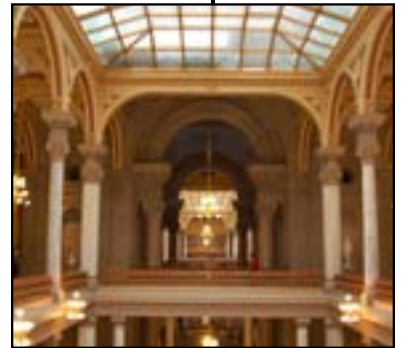




# 2012 Session Summary

A summary of legislation considered by the  
Second Regular Session of the  
117th Indiana General Assembly

November 22, 2011 - March 9, 2012



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## Table of Contents

Bill Action History .....	1
Agriculture & Natural Resources.....	2
Appropriations .....	6
Commerce & Economic Development .....	15
Corrections, Criminal & Civil Procedures.....	18
Education & Career Development .....	23
Elections .....	26
Energy & Environmental Affairs.....	30
Health & Provider Services .....	34
Homeland Security, Transportation & Veterans Affairs .....	41
Higher Education .....	45
Insurance and Financial Institutions .....	48
Judiciary .....	52
Local Government.....	61
Pensions & Labor.....	66
Public Policy .....	69
Tax & Fiscal Policy.....	78
Utilities & Technology.....	88
Veto Action .....	90
Enrolled Act Number to Public Law Number Table .....	93

## Bill Action History

117<sup>th</sup> Indiana General Assembly - Second Regular Session  
November 22, 2011 – March 9, 2012

### Senate

Introduced Senate bills	415
Senate bills withdrawn	3
Introduced Senate joint resolutions	13
Senate joint resolutions approved	0
Senate bills sent to Governor	83
Senate bills signed into law	83
Senate bills become law without signature	0
Senate bills vetoed	0

### House of Representatives

Introduced House bills	397
House bills withdrawn	0
Introduced House joint resolutions	2
House joint resolutions approved	0
House bills sent to Governor	78
House bills signed into law	78
House bills become law without signature	0
House bills vetoed	0

Overall percentage of introduced bills enacted      20%

Most new laws become effective July 1, 2012.

### Abbreviations included in this report

SB	Senate Bill
HB	House Bill
SEA	Senate Enrolled Act
HEA	House Enrolled Act
SR	Senate Resolution
SJR	Senate Joint Resolution
HJR	House Joint Resolution
CCR	Conference Committee Report
RC	Roll Call
SRC	Senate Roll Call
HRC	House Roll Call

All roll call votes referred to in this report, except those of 50-0, are included at the end. House roll calls can be found at the end of Senate roll calls. Roll call votes on the two acts vetoed by the Governor in 2011 are at the end of all roll call votes.

## **Agriculture & Natural Resources**

### **Agriculture**

#### **HEA 1091      AGRICULTURAL OPERATIONS**

**Author(s):    FRIEND, LEHE**

**Sponsor(s):   STEELE, LEISING, BRODEN**

**Citations Affected:   IC 32-30-6-9.5; IC 35-50-5-3; IC 5-5-6.1; IC 16-10-1.5;  
IC 16-21-8; IC 5-2-6.1-40**

HEA 1091 addresses nuisance actions brought against agricultural operations. Under the act, if a court finds that the prosecution or defense of a nuisance action brought against an agricultural operation was frivolous, the court shall award court costs and reasonable attorney's fees to the prevailing party. The act specifies that reasonable attorney's fees may only include the fees for one attorney, and must be calculated on the basis of the reasonable and customary hourly rates charged in the county in which the action was brought. Also, the determination that an action was frivolous may not be based on the mere fact that a party did not prevail. Further, the act requires a court to order a person who manufactures methamphetamine on property owned by another to pay liquidated damages as restitution to the property owner in the amount of \$10,000. The same would apply to a person who manufactures marijuana with the exception that the restitution amount would be \$2,000. The act becomes effective July 1, 2012. (RC# 273; 3<sup>rd</sup> Rdg; 36-14)

#### **HEA 1128    CORN MARKETING COUNCIL**

**Author(s):    LEHE, KLINKER**

**Sponsor(s):   GARD, R. YOUNG**

**Citations Affected:   IC 6-2.5-7-5; IC 6-2.5-6; IC 6-6-2.5; IC 6-2.5-6-10;  
IC 6-2.5-6.11; IC 15-15-12-30.5**

HEA 1128 affects corn producers and the state's ethanol industry. The availability and affordability of this renewable resource to the consumer will be enhanced with the passage of this legislation. Specifically, the act repeals provisions concerning deductions to retail merchants under the E85 reimbursement program. The act amends the definition of "producer" for purposes of the corn marketing laws, and adds a requirement that a producer has had an assessment in the previous two years to qualify as a member of the Corn Marketing Council. Concerning vacancies on the Corn Marketing Council, the act provides that vacancies be filled by the appointing authority. The act changes the date that a petition for candidacy to the council may be filed, and provides that the council operate on a fiscal year. The act establishes a formula to determine the maximum administrative expenses of the council, provides that the cost of processing refunds and applying for grants is not an administrative expense, and requires a first purchaser of corn to remit the assessment when payment is received. Further, the act provides that a first purchaser that is not subject to assessment is to sign and date an exemption form, and establishes an assessment refund schedule based upon the amount owed. The act becomes effective July 1, 2012. (RC# 222; 3<sup>rd</sup> Rdg; 50-0)

**HEA 1129 STATE CHEMIST ISSUES****Author(s): LEHE, KLINKER****Sponsor(s): MISHLER, R. YOUNG****Citations Affected: IC 15-16-1-3.5; IC 15-16-2-25; IC 4-22-2; IC 15-16-4-35;  
IC 15-16-1-16; IC 15-16-2-38**

HEA 1129 affects the Office of the Indiana State Chemist, which is charged with the administration of agricultural laws involving seeds, fertilizers, animal feeds and pesticides. The goals of the office are to ensure truth-in-labeling, food safety, user safety and protection of our environment. The act provides the Office of the State Chemist with civil penalty authority under the agricultural ammonia law and subpoena authority, and the commercial fertilizer laws. The act provides that the State Chemist may impose a civil penalty only according to a schedule recommended by the Fertilizer Advisory Board. It amends the pesticide laws and the pesticide use and application laws as follows: it expands the definition of "produce"; makes changes to the qualifications of certain members on the Pesticide Review Board; makes changes to the duties and rule making authority of the Pesticide Review Board; exempts employees of not-for-profit organizations from the annual pesticide applicator license fee; repeals registration requirements and fees for pesticide consultants; amends provisions of the state pesticide law to apply to all pesticide products, including both chemicals and devices. (Current law only applies to chemicals); and makes changes to comply with federal pesticide laws. The act amends the commercial feed laws as follows: adds and amends numerous definitions; adds a late fee for distributing feed before applying for a license; allows the State Chemist to revoke, suspend, or place conditions on a commercial feed license that is not in compliance; makes changes to required labeling information; provides conditions that make commercial feed adulterated; and adds authority to adopt rules concerning specialty pet foods. In addition, the act adds as Class A infractions: distribution of raw milk that is not labeled "Not for Human Consumption"; and distributing animal feed and stating, promoting, or advertising that it is fit for human consumption. Further the act directs the State Board of Animal Health to conduct a study of the issue of farmers selling unpasteurized milk to consumers. (RC# 223; 3<sup>rd</sup> Rdg; 50-0)

**HEA 1312 SALE OF POULTRY AT FARMERS' MARKETS****Author(s): ELLSPERMANN, CLERE, DAVISSON****Sponsor(s): R. YOUNG, KRUSE****Citations Affected: IC 16-42-5-29; IC 16-42-2-3**

HEA 1312 will remove obstacles facing poultry farmers and allow them to sell more homegrown food products, such as frozen poultry, at their farms or at a farmer's market. *(For more information on this act, please refer to the section on Commerce & Economic Development.)*

**Natural Resources****HEA 1279 VARIOUS NATURAL RESOURCES MATTERS****Author(s): EBERHART, CHEATHAM****Sponsor(s): MISHLER, R. YOUNG****Citations Affected: IC 4-13-1-3; IC 4-20.5-1-9; IC 4-20.5-2-1; IC 14-18-1.5-1;  
IC 4-20.5-2; IC 5-13-6-1; IC 5-13-5-1**

HEA 1279 deals with various natural resources matters. The act does the following:

- Moves the state Land Office from the Department of Administration to the Department of Natural Resources (DNR).

- Increases the amount that an office of DNR or the Department of State Revenue must deposit on the business day following receipt from \$100 to \$500.
- Provides that certain regulations related to using a spotlight or firearm silencer in the hunting of birds and mammals do not apply to a person acting in accordance with the conditions of a license held by the person.
- Increases the inspection period for each parcel of land classified as native forest land, a forest plantation, or wild lands from five to seven years.
- Allows the director of DNR to give certain individuals permission to spotlight wild animals or use a silencer. It requires that hunting license stamps be electronically generated.
- Removes the requirement that commemorative stamps be furnished to the circuit court.
- Allows fishing by means of a crossbow.
- Repeals the law that prohibits the possession or use of a silencer while in the act of hunting.
- Provides that a person who takes or possesses a deer or wild turkey:
  - unlawfully;
  - by illegal methods; or
  - with illegal devices; while using or possessing a silencer commits a Class C misdemeanor.
- Makes hunting on private land without the permission of the owner a Class B misdemeanor if the person does so while using a silencer.
- Removes the authority for an individual with a hunting, trapping, or fishing license to ship, carry, or take outside Indiana in one week more than two times the possession limit for the wild animal.
- Makes the invasive species pilot program a permanent program.
- Repeals the prohibition on raccoon hunting by nonresidents.
- Removes a provision allowing a federal Fish and Wildlife Service officer or a conservation officer from another jurisdiction to hunt or fish in Indiana after obtaining a resident license.
- Disallows a person who acquires a game bird or game mammal from applying for a breeder's license.
- Creates a license for nonresident roe harvesters and dealers.
- Allows the Natural Resources Commission to establish the minimum application fees for nonresident roe harvester and dealer licenses.
- Gives residents of Indiana priority in receiving roe harvester and dealer licenses.
- Requires a business that sells or barter live minnows or crayfish to have a bait dealer's license. (Current law requires a business that takes, catches, sells, or barter live minnows or crayfish to have a bait dealer's license.)
- Increases the number of annual free sport fishing days that may be designated from two to four.
- Allows the sale of game and furbearing mammals for food purposes under a game breeding license.
- Removes swamp rabbits and nutrias from the list of exempted animals under a game breeding license.
- Requires all individuals to have a hunting license to shoot on a shooting preserve, and removes the requirement that nonresidents have a special license to shoot on shooting preserves.
- Creates a resident license to hunt and fish that is valid for 10 years for certain veterans.

- Provides that the entirety of an area declared to be infested with a pest or pathogen must be operated according to standards of the Natural Resources Commission. (Current law specifies the infested area in terms of portions of townships.)
- Changes the nursery stock certificate expiration date from September 30 to December 31.
- Changes the procedures that the commission must follow when mediating surface water disputes.
- Establishes the reclamation cash bond account within the post-1977 abandoned mine reclamation fund, and
- Requires that bonds forfeited under the abandoned oil and gas well law be placed in the oil and gas environmental fund. (RC# 351; CCR#1; 49-0)

## **SEA 22 CONSERVANCY DISTRICT DIRECTOR COMPENSATION**

**Author(s): NUGENT, HUME**

**Sponsor(s): MCMILLIN, DOBIS, R. FRYE**

**Citations Affected: IC 14-33-5-16**

SEA 22 provides compensation for directors of conservancy districts commensurate with their workloads and responsibilities. Further, the act provides that compensation may not be based upon a tax assessment imposed by the district. (RC# 337; CCR#1; 47-3)

## **SEA 378 CONSERVANCY DISTRICTS CONTRACTS**

**Author(s): SIMPSON, WALKER**

**Sponsor(s): STEUERWALD, WELCH**

**Citations Affected: IC 14-33-6-13; IC 14-33-7-14**

SEA 378 allows the board of directors of a conservancy district to enter into contracts with local governmental agencies for purposes of implementing the district plan. (Current law permits such contracts with a person or a federal or state agency.) In addition, the act adds security of any part of the district as a purpose for which the board may enter into such a contract. (Current law permits contracts for construction, maintenance, or operation of any part of the district.) (RC# 180; 3<sup>rd</sup> Rdg; 49-0)

## **HEA 1018 MINE ELECTRICIAN CERTIFICATION**

**Author(s): UBELHOR, HEATON, ELLSPERMAN**

**Sponsor(s): STEELE, HUME**

**Citations Affected: IC 22-10-3-1; IC 22-10-1.5-2; IC 22-1-1-3; IC 22-1-1-5;  
IC 22-10-3-9**

HEA 1018 requires mine electricians who perform electrical work in certain coal mines to be tested by, and receive a certificate of competency from the Mining Board. The act allows certain individuals certified by the Mine Safety and Health Administration or another state to serve as a mine electrician if the individual obtains an Indiana Miner's Certificate of Competency from the director of Mines and Mine Safety. (RC# 205; 3<sup>rd</sup> Rdg; 50-0)



## **Appropriations**

### **HEA 1090 PAYMENT OF DELINQUENT PROPERTY TAXES**

**Author(s): FRIEND, CULVER, CANDELARIA REARDON, SOLIDAY**

**Sponsor(s): RANDOLPH**

**Citations Affected: IC 6-1.1-24-1.2; IC 6-1.1-24-2; IC 6-1.1-24-4; IC 6-1.1-24-5; IC 6-1.1-24-6; IC 6-1.1-24-6.1; IC 6-1.1-24-6.3; IC 6-1.1-24-6.4; IC 6-1.1-24-7; IC 6-1.1-24-13; IC 6-1.1-24-15; IC 6-1.1-25-2; IC 6-1.1-25-3; IC 6-1.1-25-4; IC 6-1.1-25-4.6; IC 6-1.1-37-9; IC 6-1.1-37-10; IC 6-1.1-37-10.1**

HEA 1090 allows a county fiscal body to adopt an ordinance to establish a property tax amnesty program and require waiver of interest and penalties added before January 1, 2012, on delinquent taxes and special assessments on real property in the county if: (1) all of the delinquent taxes and special assessments on the real property were first due and payable before January 1, 2012; and (2) before July 1, 2013, the taxpayer has paid all of these delinquent taxes and special assessments and has also paid all of the taxes and special assessments that are first due and payable after December 31, 2011. It requires the waiver of interest and penalties in these circumstances, notwithstanding any payment arrangement entered into by the county treasurer and the taxpayer. The act allows a county fiscal body to adopt an ordinance authorizing the county treasurer to accept a minimum bid on real property subject to sale for delinquent taxes equal to the lesser of: (1) the delinquent taxes, penalties, and other related costs; or (2) 75% of the gross assessed value of the real property. It applies statewide the authority that currently exists only in Lake County allowing the county auditor to remove real property from a tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes, and establishes a period during which a taxpayer, who fails to make a payment under the delinquent property tax payment arrangement, may not enter into another arrangement. The act allows the county treasurer to extend the tax sale redemption period applicable to real property if a tract or item of real property did not sell at a tax sale and the county treasurer and the taxpayer agree to an arrangement for payment of the amount required for redemption before the expiration of the extended redemption period. It provides for cancellation of the agreement and the extension if the taxpayer fails to meet the terms of the agreement. It also clarifies that the total amount required for redemption includes all taxes, special assessments, interest, penalties, and fees on the property including those that accrue after the tax sale. Except for two sections of conforming changes with a retroactive effective date of January 1, 2012, the act's provisions are effective upon passage. (RC# 220; 3<sup>rd</sup> Rdg; 50-0)

### **HEA 1092 JOHNSON SUPERIOR COURT AND WABASH CITY COURT**

**Author(s): BURTON, STEUERWALD, FOLEY**

**Sponsor(s): BRAY**

**Citations Affected: IC 33-33-41-3; IC 33-33-41-4; IC 33-33-41-4.1; IC 33-35-2-6.5**

HEA 1092 adds a fourth judge to the Johnson Superior Court as of January 1, 2015. It prohibits the Auditor of State from paying the part of the total salary and benefits that would otherwise be paid by the state for the fourth judge of the Johnson Superior Court until the Auditor of State receives a resolution of the board of county commissioners of Johnson County that sets forth the board's determination that a building in existence on January 1, 2012, has been rehabilitated and is ready as a place for the new court to hold sessions. It also provides that the Wabash City Court has concurrent jurisdiction with the Wabash Circuit Court in civil cases in which the amount in



controversy does not exceed \$1,500. The act's provisions are effective July 1, 2012. (RC#331; CCR#1; 50-0)

#### **HEA 1123 PUBLIC PENSIONS**

**Author(s): BURTON, NEESE, CHERRY, M. SMITH**

**Sponsor(s): KENLEY, CHARBONNEAU**

**Citations Affected: IC 21-38-3-13; IC 4-3-22-18.2; IC 5-10-8-6; IC 5-10-8-7**

HEA 1123 contains the following provisions concerning public pensions:

- By December 1 each year, requires the Office of Management and Budget (OMB) to a report to the State Budget Committee that includes:
  - a report prepared by the OMB about post-employment benefits and liabilities of state agencies.
  - reports prepared by state educational institutions concerning post-employment benefits and liabilities of those institutions.
- Allows trust funds to be established to provide for prefunding annual required contributions to retirement funds, and to cover other post-employment benefit liability for employees of the legislative, judicial, and executive departments, including employees of the State Police Department, conservation officers of the Department of Natural Resources, and the State Excise Police.
- Provides that any modification to:
  - eligibility requirements;
  - required premiums; or
  - any other plan provisions; that increases the amount of the state's contribution to a plan of self-insurance established for the State Police Department, conservation officers of the Department of Natural Resources, or the State Excise Police or that increases the post-employment liability under such a plan must first be approved by the Budget Agency, and provides for an annual review of the modifications by the State Budget Committee.
- Effective June 20, 2012, provides for a thirteenth check to certain members of the:
  - Indiana State Teachers' Retirement Fund (TRF);
  - Public Employees' Retirement Fund (PERF);
  - State Excise Police, Gaming Agent, Gaming Control Officer, and Conservation Officers' Retirement Fund (C&E Fund); and
  - State Police 1987 Benefit System. It makes a state General Fund appropriation for the state fiscal year beginning July 1, 2012, to cover the one-time thirteenth check for TRF retirees.
- Except otherwise noted above, the act's provisions are effective July 1, 2012. (RC#344; CCR#1; 50-0)

#### **HEA 1134 SCHOOL TRANSPORTATION**

**Author(s): SPEEDY, DELANEY**

**Sponsor(s): MILLER**

**Citations Affected: IC 20-27-6-1; IC 20-46-5-12; IC 20-27-5-2**

HEA 1134 provides that no fee may be charged to a parent or student for transportation to and from school if a school corporation provides transportation or contracts with an educational service center to provide transportation. It specifies that parent supplemental transportation

contracts do not apply to transportation provided by an educational service center. The act also makes a technical correction concerning school bus replacement plans. Except for a conforming amendment, the act's provisions are effective July 1, 2012. (RC#277; 3<sup>rd</sup> Rdg; 48-2)

#### **HEA 1189 SCHOOL FINANCE**

**Author(s): THOMPSON, CLERE, PORTER**

**Sponsor(s): CHARBONNEAU, ROGERS**

**Citations Affected: IC 20-43-1-1; IC 20-43-1-10; IC 20-43-1-12.3; IC 20-43-1-24.5; IC 20-43-4-3; IC 20-33-2-10**

HEA 1189 concerns school finance and includes the following provisions:

- Effective upon passage, requires an accredited nonpublic school to provide sufficient verbal information to permit a requesting school to which a child transfers to make an appropriate placement decision when the parent of the child is in breach of a contract that conditions release of student records on the payment of outstanding tuition and other fees.
- Requires the State Board of Education to conduct a second count of students enrolled in school corporations and charter schools in February of each school year. The act expires the school funding formula on July 1, 2013.
- Transfers the appropriation and funding for Charter School Startup Grants to the appropriation for state tuition support, and increases the amount of the Charter School Startup Grant for charter schools that begin operation in calendar year 2012 and provides that the grant is to be paid in six installments with one installment in each of the last six months of calendar year 2012.
- Retroactive to January 1, 2012, specifies that the amount distributed as special grants to school corporations to reflect the savings resulting from the education of students under a Choice Scholarship rather than in a school corporation are limited by the state fiscal year appropriation and not the calendar year cap that limits the amount of tuition support payable in a calendar year.

Except for otherwise noted above, the act's provisions are effective July 1, 2012. (RC#366; CCR#1; 35-15)

#### **HEA 1192 SCHOOL CORPORATION AND LOCAL GOVERNMENT FINANCES**

**Author(s): CHERRY, SPEEDY, DERMODY, RICHARDSON**

**Sponsor(s): MILLER**

**Citations Affected: IC 5-1-5-2.5; IC 5-10-8-6.8; IC 6-1.1-20.3-2; IC 6-1.1-20.3-4; IC 6-1.1-20.3-6; IC 6-1.1-20.3-6.5; IC 6-1.1-20.3-7; IC 6-1.1-20.3-7.5; IC 6-1.1-20.3-8; IC 6-1.1-20.3-8.3; IC 6-1.1-20.3-8.5; IC 6-1.1-20.3-8.7; IC 6-1.1-20.3-10; IC 6-1.1-20.3-13; IC 6-1.1-21.4-0.5; IC 6-1.1-21.4-2; IC 6-1.1-21.4-3; IC 6-1.1-21.4-3.5; IC 6-1.1-21.4-4; IC 6-1.1-21.4-6; IC 6-1.1-21.4-7; IC 20-26-5-4; IC 20-27-13; IC 20-40-2-4; IC 20-40-6-5; IC 20-46-5-4; IC 20-48-1-2**

HEA 1192 concerns school corporations and local government finance and includes the following provisions:

- Before January 1, 2014, allows a school corporation to use the debt restructuring statutes if the school corporation has a circuit breaker impact of at least 20%, as certified by the Department of Local Government Finance (DLGF), and requires that such a school corporation must either:

- have the Distressed Unit Appeal Board (DUAB) approve the school corporation's financial plan for paying any refunding bonds; or
  - meet certain criteria concerning debt-ADM ratios, debt-assessed value ratios, and the amount of homestead assessed valuation in the school corporation.
- The act provides that a school corporation that meets these requirements may restructure its debt without going through the petition and remonstrance process or referendum requirements that would otherwise apply under current law. It specifies that if a school corporation restructures its debt under these provisions, any extension of the debt repayment period may not exceed ten years after the latest maturity date for any of the bonds being retired or refunded by the school corporation.
- It provides that a school corporation is eligible to obtain a loan from the Rainy Day Fund if the school corporation is designated as distressed by the DUAB or the school corporation is otherwise approved for a loan by the DUAB. The act provides that in the case of a school corporation that petitions the DUAB, the DUAB shall make a recommendation to the State Board of Finance concerning the loan and it provides that the State Board of Finance may not after December 31, 2017, approve such loans to a school corporation from the Rainy Day Fund. The act specifies that at the time the DUAB designates a school corporation as distressed or otherwise recommends that a loan from the Rainy Day Fund be approved for the school corporation, the DUAB may also recommend to the State Board of Finance that a loan from the Rainy Day Fund to the school corporation be contingent upon any of the following:
  - the sale of specified unused property by the school board.
  - the school corporation modifying one or more specified contracts entered into by the school corporation.
- It also provides that in making a loan from the Rainy Day Fund to a school corporation, the State Board of Finance may make the loan contingent upon any such condition recommended by the DUAB. The bill provides that a school corporation's loan may not exceed the lesser of \$5,000,000 or the result of multiplying the school corporation's ADM by \$1,000.
- The act provides for the interception of revenues otherwise payable to the school corporation if the school corporation fails to pay an obligation associated with the loan but specifies that the Treasurer of State may not impair the rights of the school corporation's bondholders regarding Rainy Day Fund loan payments.
- It also provides that the interest rate on Rainy Day Fund loans to a school corporation is equal to the interest rate on state taxes, minus 2%, but in no case shall the interest rate be less than 1%. The bill requires the DUAB to report to the Budget Committee before certain dates concerning actions taken by the DUAB under the statute allowing a school corporation with a circuit breaker impact to restructure its debt.
- Changes the membership of the DUAB. It provides that a political subdivision may file a petition with the DUAB seeking designation of the political subdivision as a distressed political subdivision, based on any one of several failures by the political subdivision to meet its financial obligations. The act specifies that the DUAB may consider whether a political subdivision has exercised all of its local options. It provides that if the DUAB designates a political subdivision as a distressed political subdivision, the board shall (except in the case of a school corporation that is designated as distressed) appoint an emergency manager for the distressed political subdivision. It provides that an emergency manager of a distressed political subdivision has broad powers to effect the financial rehabilitation of the distressed

political subdivision. It provides that a school corporation that is designated as distressed may not carry out certain actions without the approval of the DUAB. This act provides that if a school corporation that covers its active and retired employees under a state employee health plan consolidates, reorganizes, or merges after May 1, 2012, with a school corporation that does not cover its active and retired employees under a state employee health plan, the school corporation that results from the consolidation, reorganization, or merger must allow an individual for whom the first school corporation had (as of the effective date of the consolidation, reorganization, or merger) health insurance liability under a state employee health plan to continue the individual's coverage under the state employee health plan for at least five years, as long as the individual otherwise remains eligible for coverage under the plan.

- Provides that a school corporation that carried out a general program in at least one school year starting after June 30, 2010, to provide transportation to and from school for eligible students must provide transportation to and from school, unless the governing body of the school corporation:
  - approves the termination of the transportation program; and
  - provides public notice of the termination; at least three years before the date after which the transportation will no longer be provided.
- The act allows the Department of Education to waive these requirements if the Department determines that a transportation plan presented by the school corporation, with or without revisions required by the Department:
  - will protect the safety of eligible students enrolled in the school corporation; and
  - is otherwise in accordance with applicable law.
- Provides that before January 1, 2018, costs attributable to transportation may be budgeted in and paid from a school corporation's general fund.
- Allows a school corporation to petition the DLGF to adjust the school corporation's levy for the school bus replacement fund to reflect the school corporation's school bus acquisition plan.
- Reduces (by 75% in 2013, 50% in 2014, and 25% in 2015) the amount by which a school corporation must otherwise reduce the school corporation's other levies to offset a pension debt levy, if the school corporation adopts a resolution to apply such a reduction.

The act's provisions are effective upon passage. (RC#349; CCR#1; 48-1)

## **HEA 1195 PROPERTY TAXES**

**Author(s): M. SMITH, CHEATHAM, CLERE, KERSEY**

**Sponsor(s): WALKER**

**Citations Affected: IC 3-8-1-23; IC 6-1.1-4-39; IC 6-1.1-13-1; IC 6-1.1-15-1;  
IC 6-1.1-15-18; IC 6-1.1-35.5-4.5; IC 6-1.1-37-11**

HEA 1195 includes the following provisions concerning property taxes:

- Retroactively effective to January 1, 2012, delays the date after which a current county assessor must attain certification as a Level 3 assessor-appraiser.
- Requires the Department of Local Government Finance (DLGF) to establish a program to approve sponsors of courses and courses that qualify a candidate for certification as a Level 3 assessor-appraiser.

- Provides that if a taxpayer wishes to have the income capitalization method or the gross rent multiplier method used in the initial assessment of the taxpayer's property, the taxpayer must submit the necessary information to the assessor not later than the March 1 assessment date. It specifies that the taxpayer is not prejudiced or restricted in filing an appeal, if the data is not submitted by March 1.
- Gives a taxpayer the right to a continuance of a property tax assessment board of appeals (PTABOA) hearing for just cause. It allows a taxpayer to request that the PTABOA make a decision based upon submitted evidence without the presence of the taxpayer. The bill sets a deadline for filing a notice of withdrawal of a petition. The bill provides that an appraisal may not be required by the PTABOA or the assessor in a proceeding before the PTABOA or in the preliminary informal conference. It also provides that notice of a PTABOA hearing must be mailed at least 30 days before the hearing date.
- Imposes a \$50 penalty if a request for continuance, a request for the PTABOA to take action without the taxpayer being present, or a withdrawal is not timely filed and the taxpayer or representative fails to appear at the hearing. It permits an appeal of the assessment of the penalty.
- Specifies that in the case of an assessment that is decreased by the Indiana Board of Tax Review (IBTR) or the Indiana Tax Court, the taxpayer is not entitled to the greater of \$500 or 20% of the interest to which the taxpayer would otherwise be entitled on a refund if substantive evidence supporting the taxpayer's position was not presented by the taxpayer to the assessor before or at the hearing of the PTABOA.
- Allows that a taxpayer and an assessing official may introduce certain evidence of the assessment of comparable properties.
- Effective upon passage, allows various entities to file a late property tax exemption application for previous assessment years and provides for refunds regarding these exempt properties.

Except otherwise noted above, all provisions are effective July 1, 2012. (RC#367; CCR#1; 50-0)

#### **HEA 1264 FLOOD CONTROL IN LAKE COUNTY**

**Author(s): SOLIDAY, CANDELERIA REARDON, DOBIS**

**Sponsor(s): LANDSKE, MRVAN, TALLIAN**

**Citations Affected: IC 6-1.1-20-1.1; IC 14-8-2-208; IC 14-8-2-310; IC 14-13-2-3.5; IC 14-13-2-3.8; IC 14-13-2-4; IC 14-13-2-6; IC 14-13-2-7; IC 14-13-2-10; IC 14-13-2-18.5; IC 14-13-2-18.6; IC 14-13-2-20; IC 14-13-2-21; IC 14-13-2-22; IC 14-13-2-23; IC 14-13-2-24; IC 14-13-2-25; IC 14-13-2-31; IC 14-13-2-32**

HEA 1264 expands the Little Calumet River Basin Development Commission (LCRBDC) from five members to nine members, and requires the LCRBDC to levy a special assessment on parcels of land within the Little Calumet River and Burns Waterway Watershed in Lake County. It specifies that the special assessment applies only to parcels that are not exempt from property taxation and outlines the permissible uses of the assessments, including the repayment of bonds. It specifies that projects for which bonds are payable from special assessments are not controlled projects, and it specifies that certain procedural laws apply to the issuance of bonds payable from special assessments. The act provides for the repayment of money to the Northwest Indiana Regional Redevelopment Authority (NIRDA). It requires the LCRBDC to meet at least four times per year and to submit annual reports to the Board of County Commissioners of Lake

County. It also establishes the Little Calumet River Basin Project Advisory Board. The act's provisions are effective July 1, 2012. (RC#290; 3<sup>rd</sup> Rdg; 50-0)

## **HEA 1367 DEAF AND HARD OF HEARING EDUCATION SERVICES**

**Author(s): THOMPSON, NOE**

**Sponsor(s): LAWSON**

**Citations Affected: IC 4-3-22-18; IC 8-1-2.6-13; IC 8-1-2.8-5; IC 8-1-2.8-8; IC 8-1-2.8-10; IC 8-1-2.8-11; IC 8-1-2.8-12; IC 8-1-2.8-14; IC 8-1-2.8-15; IC 8-1-2.8-18; IC 8-1-17.5-25; IC 16-32-3-2; IC 16-35-8-9; IC 20-22-2-1; IC 20-35-4-12; IC 20-35-11**

HEA 1367 includes the following provisions regarding deaf and hearing impaired education services:

- Establishes the Center for Deaf and Hard of Hearing Education to ensure that children who are deaf or hard of hearing acquire optimal communication and academic abilities.
- Specifies the duties of the Center.
- Transfers the outreach services and consultative services to local education agencies to assist in meeting the needs of locally enrolled students with hearing disabilities of the Indiana School for the Deaf (ISD) to the Center.
- Specifies that until the Center is established and operating, the ISD shall continue to provide those services that will be transferred at the time the Center is established and operating. It provides that the State Board of Finance and the State Budget Agency may not transfer for use by or for the center any appropriation made to the ISD by the 2011 Budget Act.
- Provides that by July 1, 2013, the Office of Management and Budget (OMB) shall, in consultation with ISD, the Department of Education (DOE), the State Department of Health (DOH), and the Office of the Secretary of Family and Social Services (FSSA), recommend to the General Assembly through the budget process an appropriate agency to provide support for the Center.
- Provides that, before October 1, 2012, the OMB (in consultation with ISD, DOH, DOE and the office of the secretary of FSSA) must submit a transition report to the State Budget Committee.
- Requires the OMB in developing the transition report to also consult with other specified entities, and to conduct two public meetings prior to submitting its transition report.
- Requires the OMB to post the final transition report on its Internet web site. The bill requires the Budget Committee to consider the transition report in the state budget report and budget bill. Academic Performance:
- Requires the State Board of Education to make recommendations before October 1, 2012, to the Legislative Council and to the State Budget Committee concerning the unique and appropriate methods of evaluation and accountability that should be applied to the Indiana School for the Blind and Visually Impaired (ISBV) and the Indiana School for the Deaf.
- Effective July 1, 2012, changes references in the Indiana Code from "hearing impaired" to "hard of hearing".
- Majority of the bill's provisions are effective upon passage.
- Sunset of current center housed at the Indiana School for the Deaf is effective July 1, 2013. (RC#265; 3<sup>rd</sup> Rdg; 40-8)



## **HEA 1376 STATE AND LOCAL ADMINISTRATION**

**Author(s): ESPICH, CRAWFORD**

**Sponsor(s): KENLEY**

**Citations Affected:** IC 2-5-26-2; IC 4-10-22-1; IC 4-10-22-2; IC 4-10-22-3; IC 4-10-22-4; IC 4-22-2-37.1; IC 12-7-1-5; IC 12-7-2-23; IC 12-7-2-99; IC 12-7-2-129; IC 12-7-2-134; IC 12-7-2-135; IC 12-7-2-160; IC 12-7-2-172; IC 12-7-2-186; IC 12-8-1.5; IC 12-8-2.5; IC 12-8-6.5; IC 12-8-8.5; IC 12-9-1-2; IC 12-9-2-1; IC 12-9-2-2; IC 12-9-4-4; IC 12-9-4-7; IC 12-9.1-1-2; IC 12-9.1-2-1; IC 12-9.1-2-2; IC 12-10-12-4; IC 12-12-1-4.1; IC 12-12.7-2-8; IC 12-13-1-2; IC 12-13-2-1; IC 12-13-4-4; IC 12-13-4-7; IC 12-13-15.2-2; IC 12-14-2-21; IC 12-15-2-0.5; IC 12-21-1-2; IC 12-21-2-1; IC 12-21-2-2; IC 12-21-2-3; IC 14-13-2-3.3; IC 14-13-2-6; IC 14-13-2-7; IC 14-13-2-18.6; IC 16-28-15-5; IC 20-24-8-5; IC 20-26-11-8; IC 20-27-11-1; IC 20-28-11.5-8; IC 20-31-2-10; IC 20-31-9.5-7; IC 20-32-8.5-2; IC 20-49-5-3; IC 20-49-5-5; IC 22-4.1-17-6; IC 31-34-20-5; IC 31-37-19-26; IC 32-33-4-1; IC 32-33-4-3; IC 32-33-5-3; IC 34-13-8; IC 34-53-1-4; IC 34-53-1-5; IC 34-55-10-2

HEA 1376 concerns state and local administration and includes the following provisions:

- States that for purposes of the automatic taxpayer refund statutes, the amount of the refund for qualifying taxpayers is determined on a per capita basis by dividing the total amount of excess state reserves available to provide automatic taxpayer refunds by the total number of qualifying taxpayers.
- Provides that a taxpayer qualifies for the refund if the taxpayer filed a resident tax return in the preceding year.
- Starting January 1, 2013, it makes the threshold for use of excess reserves 12.5% of general revenue appropriations for the state fiscal year.
- Specifies that:
  - if the amount of the excess reserves, including any carryover amounts, are less than \$50,000,000, the excess reserves shall be carried over to the next year; and
  - if the excess reserves are \$50,000,000 or more, 50% of the excess reserves shall be transferred to certain pension funds and 50% of the excess reserves shall be used for the purposes of providing an automatic taxpayer refund.
- Provides that beginning in 2013, the Office of Management and Budget shall calculate, after the end of each odd-numbered state fiscal year, the total amount of state reserves.
- Reestablishes the Office of the Secretary of Family and Social Services and other divisions and offices within FSSA.
- Specifies that the authority of the Secretary of Family and Social Services or the Office of Medicaid Policy and Planning to adopt an emergency rule concerning federal Medicaid waiver program provisions or federal programs administered by the Office of the Secretary expires on December 31, 2012. It provides for the expiration of rules adopted before January 1, 2013.
- Effective July 1, 2012 defines "parcel" for purposes of the statute allowing the Little Calumet River Basin Development Commission to levy a special assessment on parcels of land within the Little Calumet River and Burns Waterway watershed in Lake County.
- Specifies areas in which the Commission may operate.
- Specifies the total amount of the loan repayment by the Commission to the Northwest Indiana RDA.



- Provides that none of the four members from a unit that borders the Little Calumet River may be from the same municipality.
- Provides that the Attorney General shall attempt to resolve before January 1, 2013, all claims and suits brought against the state or its employees for a death or injury occurring as the result of an accident at the 2011 State Fair for an amount that, in the aggregate, does not exceed \$11,000,000.
- Specifies the amount of relief that victims of the accident at the State Fair may receive.
- Allows the Attorney General to establish a process for determining the amount of compensation for persons who suffered physical injuries involving permanent paralysis or permanent physical trauma or requiring major and ongoing long-term care.
- Establishes the Supplemental State Fair Relief Fund for the purpose of providing additional relief to the victims of the accident. It appropriates \$6,000,000 from the state General Fund to the Supplemental State Fair Relief Fund.
- Caps attorney's fees for representation of an eligible person regarding compensation from the Supplemental Fund at 10% of the total compensation paid to the eligible person from the Supplemental Fund.
- Provides that an eligible person may assign to the Attorney General the eligible person's right to pursue a cause of action for the tortious breach of an insurer's duty to deal with an insured person in good faith.
- Provides that if the Insurance Commissioner determines after a hearing that a person has committed an act that is listed as an unfair claim settlement practice and is related to a death or injury resulting from the accident at the 2011 State Fair, the Insurance Commissioner may order certain remedies.
- Specifies that the Insurance Commissioner may take such action without having to demonstrate that the act or practice occurs with such frequency as to indicate a general practice by the person.
- Provides that neither a hospital nor an ambulance may place a lien on a distribution made from the Supplemental State Fair Relief Fund to a victim of the State Fair accident.
- Prohibits an insurer from claiming subrogation or reimbursement rights with respect to a distribution made from the Supplemental State Fair Relief Fund.
- Requires a person who intends to challenge the constitutionality of the prohibition against asserting subrogation or other reimbursement rights to file written notice of the person's intent to challenge this prohibition not later than 40 days after a distribution is made from the Supplemental State Fair Relief Fund.
- Provides that distributions to the estates of persons whose death was caused by the accident at the State Fair are exempt from Inheritance Tax.
- Allows an additional appropriation for full-day kindergarten and changes the amount distributed per child.
- Establishes the Select Commission on Education to study:
  - the process of adoption and content of rules adopted by the Indiana State Board of Education concerning categories or designations of school improvement including the matrices used for the A-F designations; and
  - the proposed rules, adopted rules, and policies of the Department of Education and the Indiana State Board of Education to implement the provisions of P.L.90-2011, concerning teacher evaluations and licensing.

- Effective July 1, 2012 changes the process in which a school corporation may modify the Department's model staff performance evaluation plan.
- Changes the definition of a turnaround academy.
- Provides that if the State Board assigns a special management team to a school, the State Board shall enter into a contract with a special management team that includes:
  - a requirement that the special management team and the governing body conduct a public meeting two times each year to provide a report concerning student achievement of affected students; and the condition of the school property and to address issues related to the school property; and
  - a requirement that the student instruction must be provided by teachers licensed under IC 20-28-5.
- Provides that individuals employed by the special management team are entitled to participate in either PERF or TRF, and employees are not required to collectively bargain.
- Effective July 1, 2012, returns IC 20-26-11-8, as amended by SEA 283-2012, to law existing before the enactment of SEA 283-2012.
- All provisions effective upon passage unless otherwise noted above. (RC#369; CCR#1; 40-10)

#### **SEA 98 COUNTY HIGHWAY MAINTENANCE FUNDING**

**Author(s): KENLEY, CHARBONNEAU, HUME**

**Sponsor(s): ESPICH**

**Citations Affected: IC 36-4-8-12; IC 8-18-8-5**

SEA 98 provides that a county may use property taxes and miscellaneous revenue deposited in the county general fund for the maintenance of county highways. The act allows a city department, officer, or employee to obligate the city beyond the amount of money appropriated for that department, officer, or employee if the obligation is made under a multi-year interlocal cooperation agreement entered into by the city and one or more political subdivisions or governmental entities, and the agreement is approved by the city fiscal body. The act's provisions are effective July 1, 2012. (RC#299; Concurrence; 46-1)

## **Commerce & Economic Development**

#### **HEA 1016 DESIGN-BUILD PROJECTS**

**Author(s): RHOADS, MESSMER, VANNATTER**

**Sponsor(s): MISHLER**

**Citations Affected: IC 5-30-1-11**

HEA 1016 specifies that a fire protection district is a "public agency" that may use the design-build contracting method for carrying out public projects. The act becomes effective July 1, 2012. (RC# 190; 3<sup>rd</sup> Rdg; 47-3)

#### **HEA 1154 LOCAL PURCHASING AND PUBLIC WORKS PREFERENCES**

**Author(s): MESSMER**

**Sponsor(s): HERSHMAN**

**Citations Affected: IC 5-22-15-20.9; IC 36-1-12-4; IC 36-1-12-4.7; IC 36-1-12-5; IC 36-1-12-22**

HEA 1154 provides that the local Indiana business preference applies to a contract for a purchase made by a political subdivision only if the political subdivision provides in the solicitation that the preference is applicable to the purchase. It also specifies that the term "affected county" refers only to an Indiana county, and repeals the local Indiana business preference for public works projects. The act becomes effective July 1, 2012. (RC# 207; 3<sup>rd</sup> Rdg; 47-3)

#### **HEA 1163 BONDING AND RETAINAGE IN PUBLIC WORKS PROJECTS**

**Author(s): TORR**

**Sponsor(s): BANKS, KENLEY, SIMPSON**

**Citations Affected: IC 4-13.6-7-3; IC 4-13.6-7-8; IC 4-13.6-7-10; IC 5-16-5-0.4; IC 5-16-5-0.5; IC 5-16-5-0.6; IC 5-16-5-1; IC 5-16-5-2; IC 36-1-12-12; IC 36-1-12-13.1**

HEA 1163 states that a person who has a claim against the retainage or the payment bond of a contractor on a public works project must make the claim and deliver a copy of the claim to the contractor not later than certain stated times after that person performed the service or labor or supplied the materials for the public works project. It decreases the amount that may be withheld on state public works projects upon substantial completion to cover remaining uncompleted minor items. The act becomes effective July 1, 2012. (RC# 198; 3<sup>rd</sup> Rdg; 38-12)

#### **HEA 1237 HOME IMPROVEMENT CONTRACTS**

**Author(s): MORRIS, MAHAN, VANNATTER**

**Sponsor(s): ECKERTY, YODER**

**Citations Affected: IC 24-5-11-1; IC 24-5-11-2.5; IC 24-5-11-3; IC 24-5-11-6.2; IC 24-5-11-7.5; IC 24-5-11-7.7 IC 24-5-11-10 IC 24-5-11-10.5**

HEA 1237 changes the law governing home improvement contracts. The act does the following:

- Specifies that "home improvement" includes an "exterior home improvement".
- Defines the terms "insured consumer" and "exterior home improvement" for purposes of the statute.
- Provides that, with respect to a home improvement that is to be paid, in whole or in part, from the proceeds of certain insurance policies, a home improvement supplier must:
  - if the home improvement contract includes an exterior home improvement, furnish information to the insured consumer concerning cancellation of the contract by the insured consumer if the insured consumer receives written notification from the insured consumer's insurance company that all or part of the claim or contract is not a covered loss; and
  - have a presence in Indiana or a previous business relationship with the consumer.
- Prohibits certain activities by a home improvement supplier intended to induce a person to enter into a home improvement contract or otherwise purchase goods or services from the home improvement supplier.
- Provides for the cancellation of a home improvement contract by an insured consumer and the resolution of certain financial obligations, and prohibits a home improvement supplier from acting as a public adjuster.

The act becomes effective July 1, 2012. (RC# 350; CCR#1; 41-8)

**HEA 1312 SALE OF POULTRY AT FARMER'S MARKETS****Author(s): ELLSPERMANN, CLERE, DAVISSON****Sponsor(s): R. YOUNG****Citations Affected: IC 16-42-5-29**

HEA 1312 states that effective May 31, 2012, an individual vendor of a farmer's market or roadside stand is not considered a food establishment if the vendor's food product is made, grown, or raised by the person at their primary residence, or at property owned or leased by the person. (Current law requires the food product to be made in the vendor's primary residence.) In addition, it requires the Department of Health to adopt rules that incorporate certain federal rules, and require the poultry to be frozen at the point of sale and labeled in compliance with federal requirements. Effective July 1, 2012, it also requires the Legislative Council to establish an interim study committee to study obstacles to local food production, processing, and distribution. (RC# 203; 3<sup>rd</sup> Rdg; 49-0)

**SEA 192 SALES OF MOTORCYCLES ON SUNDAY****Author(s): CHARBONNEAU, LEISING****Sponsor(s): SOLIDAY****Citations Affected: IC 24-4-6-1**

SEA 192 allows the purchase, sale, or trade of motorcycles on Sunday. (Current law states that a person who buys, sells, or trades motor vehicles, including motorcycles, on Sunday commits a Class B misdemeanor.) The act becomes effective July 1, 2012. (RC# 121; 3<sup>rd</sup> Rdg; 37-13)

**SEA 362 WHITE RIVER PARK FOUNDATION****Author(s): MERRITT, WALTZ, TAYLOR, M. YOUNG, DELPH****Sponsor(s): SPEEDY****Citations Affected: IC 14-13-1-41**

SEA 362 allows the White River State Park Development Commission to establish a non-profit subsidiary corporation to solicit and accept private funding. The act provides that the voting members of the commission and any other directors who the commission appoints are the members of the board of directors of the subsidiary corporation. It also requires the State Board of Accounts to annually audit the subsidiary corporation. The act becomes effective July 1, 2012. (RC# 74; 3<sup>rd</sup> Rdg; 50-0)

**SEA 370 FUNERAL SERVICES COURTESY CARDS****Author(s): MISHLER, STEELE****Sponsor(s): FOLEY****Citations Affected: IC 25-15-10**

SEA 370 provides for the Board of Funeral and Cemetery Service to create a courtesy card for funeral directors licensed in states that border Indiana beginning January 1, 2013, authorizing the funeral directors to provide certain funeral services in Indiana. The act becomes effective July 1, 2012. (RC# 75; 3<sup>rd</sup> Rdg; 50-0)

## **Corrections, Criminal & Civil Procedures**

### **HEA 1015 CEMETERY ACCESS**

**Author(s):** DAVISSON, POND, BACON, PIERCE

**Sponsor(s):** BRAY, R. YOUNG

**Citations Affected:** IC 6-1.1-6.8-15; IC 14-8-2-87.6; IC 14-21-5; IC 14-21-5-1;  
IC 14-8-2-135.2; IC 14-21-5; IC 34-30-2-55.8

HEA 1015 provides immunity from civil liability to landowners who grant a decedent's family members or invitees access to cemeteries that are located on the landowners' properties and subject to property tax assessment as cemetery lands. The act provides immunity from civil liability to persons who guide family members or invitees to those cemeteries and allows that a family member is allowed access to those cemeteries at least 3 days a year. (RC# 194; 3<sup>rd</sup> Rdg; 49-0)

### **HEA 1033 CRIMINAL LHHISTORY SENTENCING**

**Author(s):** MCMILLIN, TURNER, DELANEY, PIERCE

**Sponsor(s):** STEELE, HUME, TAYLOR

**Citations Affected:** IC 24-4-18; IC 11-8-8-5; IC 11-8-8; IC 10-13-3;  
IC 10-13-3-6; IC 10-13-3-10

HEA 1033 requires the following:

- a criminal history provider to:
  - update its records annually to remove inaccurate information and information that has been expunged, restricted, or limited; and
  - disclose only certain information relating to a conviction; as of July 1, 2013.
- Allows the Attorney General and a person harmed by a criminal history provider to bring an action against the criminal history provider if the criminal history provider fails to update its records or discloses non-conviction information.
- A court must restrict disclosure of information relating to an infraction to a noncriminal justice organization or individual if:
  - the person alleged to have committed the infraction is not prosecuted;
  - the infraction is dismissed;
  - the person is found not to have committed the infraction; or
  - the judgment is reversed on appeal.
- The act establishes a procedure for the person to restrict disclosure of the information relating to the infraction if the court fails to act on its own.
- Records relating to an infraction must be sealed five years after the judgment for the infraction is satisfied.
- It is a Class B infraction for an employer to ask if a person's criminal records have been sealed or restricted.
- A court may convert a Class D felony conviction to Class A misdemeanor conviction if:
  - the person is not a sex or violent offender;
  - the offense was a non-violent offense;
  - the person has not been convicted of perjury or official misconduct;
  - at least three years have passed since the person completed the sentence;
  - the person has not been convicted of a new felony; and
  - no criminal charges are pending against the person.

- If a person whose Class D felony conviction has been converted to a Class A misdemeanor conviction is convicted of a felony within five years after the conversion, a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction.
- A conviction for a Class A misdemeanor that was originally entered as a Class D felony and converted to a Class A misdemeanor under an express sentencing provision is treated as a Class A misdemeanor. (RC #354; CCR#1; 45-3)

#### **HEA 1034 HISTORIC CEMETERIES**

**Author(s): MCMILLIN, CLERE, SAUNDERS**

**Sponsor(s): PAUL, LANDSKE, BUCK**

**Citations Affected: IC 23-13-67-1; IC 4-23-7-3; IC 23-6-3; IC 36-20-13-3**

HEA 1034 expands the qualifications of a cemetery that is eligible to be maintained by the County Cemetery Commission to include cemeteries that were established before 1875 or contain a Civil War veteran. Evidence that a cemetery is the burial ground for a Civil War veteran must be presented to the County Cemetery Commission. (RC# 202; 3<sup>rd</sup> Rdg; 49-0)

#### **HEA 1040 IMMUNITY FOR FIRST RESPONDERS**

**Author(s): GRUBB, T. BROWN, R. FRYE**

**Sponsor(s): MILLER, HUME**

**Citations Affected: IC 34-30-2-156.5; IC 36-8-23; IC 34-30-12-1; IC 16-31-6  
IC 34-13-3-3**

HEA 1040 provides that if a county adopts an ordinance approving the provision of community fast responder services, and the nonprofit corporation directing the provision of community fast responder services maintains a certain level of insurance, the liability of a community fast responder is limited to the amount of insurance. A community fast responder nonprofit corporation does not include a hospital or an entity operated or directed by a hospital. Fast responders have the same immunity from liability as first responders. A community fast responder nonprofit corporation must purchase an insurance policy with \$700,000 of insurance coverage for the liability of the corporation's community fast responders. The limit of liability of a community fast responder nonprofit corporation is \$5,000,000. (RC # 326; CCR#1; 49-0)

#### **HEA 1080 SEX OFFENDERS**

**Author(s): R. FRYE, EBERHART, DELANEY, STEMLER**

**Sponsor(s): ECKERTY, RANDOLPH, HUME**

**Citations Affected: IC 11-8-4.5; IC 35-42-4; IC 35-42-(1)**

HEA 1080 provides that a person is a sex offender if the person commits sexual misconduct by a service provider with a child who is subject to lawful detention. The act creates a defense to the offense of recruiting, harboring, or transporting a child less than sixteen years of age with the intent of inducing the child to participate in sexual conduct if the child is 14 or 15 years old and the person is less than 18 years old, or the person is within four years of the child's age, the person was in a dating relationship with the child, and certain other conditions apply. The act makes it sexual battery, a Class D felony, for a person to, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person, touch another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring. (RC# 343; CCR#1; 48-2)



**HEA 1196 SYNTHETIC DRUGS (Including bath salts)**

**Author(s): M. SMITH, YARDE, DAVISSON, DELANEY, AUSTIN**

**Sponsor(s): MERRITT, ZAKAS, R YOUNG**

**Citations Affected: IC 4-22-2-37.1; IC 9-20-1-3; IC 9-21-4-7; IC 14-22-6-13;  
IC 22-8-1.1-16.1; IC 13-22-2-3; IC 24-4.5-6-107; IC 24-4.5-1-106;  
IC 24-4.5-6-107; IC 4-30-3-9; IC 16-19-3-5; IC 16-41-2-1; IC 8-21-12;  
IC 27-1-23.7; IC 27-1-12.1; IC 13-15-4-10; IC 3-6-4.1-14; IC 14-10-2-5;  
IC 4-32.2-3-3; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-14; IC 4-33-22-12;  
IC 4-35-4-2; IC 7.1-3-17.7; IC 7.1-3-20-24.4; IC 28-15-11; IC 12-8-1-12;  
IC 12-17.6-2-11; IC 12-15-41-15; IC 16-17-10-9; IC 21-9-4-7;  
IC 6-1.1-4-34; IC 22-13-2-8; IC 6-1.1-22.5-20; IC 6-1.1-4-37; IC 6-1.14-36**

HEA 1196 changes the term "synthetic cannabinoid" to "synthetic drug" and additional chemical compounds (including some compounds sold as "bath salts") to the definition of synthetic drugs and expands the definition of synthetic drugs to include certain chemical compounds that are structurally related to synthetic drugs. The Board of Pharmacy may adopt an emergency rule to declare that a substance is a synthetic drug. The definition of synthetic drug includes a compound determined to be a synthetic drug by a rule adopted by the board. The act enhances penalties for dealing in or possessing a synthetic drug if the amount of the synthetic drug is more than two grams. If the Department of State Revenue finds that a person has been convicted of selling or offering to sell a synthetic drug that was offered for sale in the normal course of business by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate, the department shall suspend the registered retail merchant certificate for the place of business for one year, and may not issue another retail merchant certificate for one year to any person that applied for or made a retail transaction under the suspended retail merchant certificate or that owned or co-owned, directly or indirectly, or was an officer, a director, a manager, or a partner of the retail merchant that was issued the suspended retail merchant certificate. (RC#284; 3<sup>rd</sup> Rdg; 50-0)

**SEA 1 SELF DEFENSE**

**Author(s): M.YOUNG, CHARBONNEAU, STEELE, ALTING, BANKS,  
BOOTS, BUCK, DELPH, ECKERTY, GARD, GOOMS, HUME,  
ROGERS  
LANANE, GLICK**

**Sponsor(s): MCMILLIN, L. LAWSON**

**Citations Affected: IC 35-41-3-2; IC 35-41-1-17; IC 35-31.5-2-129;  
IC 35-31.5-2.185**

SEA 1 provides the following:

- that a person is justified in using reasonable force against a public servant if the person reasonably believes the force is necessary to:
  - protect the person or a third person from unlawful force;
  - prevent or terminate the public servant's unlawful entry into the person's dwelling; or
  - prevent or terminate the public servant's criminal interference with property lawfully in the person's possession.
- A person is not justified in using force against a public servant if:
  - the person is committing or is escaping after the commission of a crime;



- the person provokes action by the public servant with intent to injure the public servant;
- the person has entered into combat with the public servant or is the initial aggressor; or
- the person reasonably believes the public servant is acting lawfully or is engaged in the lawful execution of the public servant's official duties.
- A person is not justified in using deadly force against a public servant whom the person knows or reasonably should know is a public servant unless:
  - the person reasonably believes that the public servant is acting unlawfully or is not engaged in the public servant's official duties; and
  - the force is reasonably necessary to prevent serious bodily injury to the person or a third person. (RC# 359: CCR#1; 38-12)

#### **SEA 4 HUMAN TRAFFICKING**

**Author(s): HEAD, WALKER, HUME, TALLIAN, SIMPSON, BANKS  
HOLDMAN, MILLER, TOMES, MRVAN, WYSS, LANANE,  
STEELE, CHARBONNEAU, KRUSE, ALTING, ECKERTY,  
ZAKAS, LANDSKE**

**Sponsor(s): STEUERWALD, FOLEY, L. LAWSON, WELCH**

**Citations Affected: IC 5-14-3-5; IC 35-42-4; IC 35-42-3.5; IC 5-2-4;  
IC 10-13-3; IC 5-11-1-9; IC 11-8-8-4.5; IC 35-42-4-1; IC 35-42-4-2;  
IC 35-42-4-3; IC 35-42-4-4; IC 35-42-4-5; IC 35-42-4-6; IC 35-42-4-7;  
IC 35-42-4-8; IC 35-42-4-9; IC 35-42-3-2; IC 35-42-3-3**

SEA 4 provides that recruiting, harboring, or transporting another person to participate in sexual conduct by force, threat of force, or fraud constitutes human trafficking. A person who recruits, harbors, or transports a child less than 16 years of age with the intent of engaging the child in forced labor, involuntary servitude, prostitution, or sexual conduct commits promotion of human trafficking of a minor, a Class B felony. The act prohibits a person at least 18 years of age from selling or transferring custody of a child less than 16 years of age for the purpose of prostitution or participation in sexual conduct. The name of a victim of human trafficking is confidential for purposes of the public records law. (RC# 7; 3<sup>rd</sup> Rdg; 48-0)

#### **SEA 18 DUTY TO SUPPORT CHILD**

**Author(s): STEELE, M. YOUNG**

**Sponsor(s): KIRCHHOFFER, MCMILLIN, STEUERWALD**

**Citations Affected: IC 31-14-11-18; IC 31-6-6.1; IC 31-16-6-6**

SEA 18 provides that the duty to support a child, which does not include support for educational needs, ceases when the child becomes 19 years of age. (Current law provides that the duty to support a child ceases when the child becomes 21 years of age.) The act permits a child who is receiving child support under an order issued before July 1, 2012, to file a petition for educational needs until the child becomes 21 years of age, and specifies that a child who is receiving child support after this date may petition until the child becomes 19 years of age. (RC# 334; Concurrence; 46-2)

**SEA 97 PUBLIC INTOXICATION****Author(s): M.YOUNG, TAYLOR, RANDOLPH, STEELE, HUME, TOMES****Sponsor(s): STEUERWALD, MCMILLIN****Citations Affected: IC 7.1-5-1-3; IC 35-48-1-9; IC 7.1-5-1-6**

SEA 97 provides that a person may not be convicted of certain offenses relating to public intoxication unless the person:

- endangers the person's life;
- endangers the life of another person;
- breaches the peace or is in imminent danger of breaching the peace; or
- harasses, annoys, or alarms another person.

In addition, SEA 97 prohibits a person from initiating or maintaining an action against a law enforcement officer based on the officer's failure to enforce certain laws concerning public intoxication offenses. (RC# 338; CCR#1; 44-6)

**SEA 154 OPERATING A MOTORBOAT WHILE INTOXICATED****Author(s): STEELE, BUCK, M. YOUNG****Sponsor(s): KOCH, UBELHOR, WELCH****Citations Affected: IC 7.1-1-3-13.5; IC 9-13-2-38; IC 9-4-1-54; IC 14-1-5;  
IC 9-30-5-1; IC 9-30-5-9; IC 9-30-5-10; IC 35-46-9-6; IC 14-15-8-8;  
IC 35-46-9; IC 14-15-8; IC 9-30-8**

SEA 154 makes operating a motorboat while having a schedule I or II controlled substance in the person's body a Class C misdemeanor. The act transfers the crime of operating a motorboat while intoxicated from Title 14 concerning natural resources to Title 35 concerning criminal law and procedure. The act removes provisions that required a court, in addition to any criminal penalties, to order a person to not operate a motorboat for at least: (1) one year for committing a misdemeanor; and (2) two years for committing a felony; under the law concerning operating a motorboat while intoxicated. (RC# 258; Concurrence; 50-0)

**SEA 157 POWER OF ATTORNEY IN FACT****Author(s): STEELE, BRAY****Sponsor(s): FOLEY, KOCH****Citations Affected: IC 30-5-6-4; IC 30-5-8-5**

SEA 157 provides that a copy of the power of attorney has the same force and effect as the original power of attorney if the person granting the power of attorney certifies that the copy is a true and correct copy. A child of the principal may request an accounting with respect to transactions entered into by an attorney in fact. The legislative council is urged to study issues related to powers of attorney during the 2012 interim. (RC# 259; Concurrence; 50-0)

**SEA 256 CORRECTIONAL PROFESSIONAL ASSISTANCE FUND****Author(s): WYSS, ARNOLD****Sponsor(s): DERMODY, STEUERWALD****Citations Affected: IC 11-8-2-5; IC 4-15-2; IC 3-7-26.3; IC 3-7-46  
IC 3-7-46; IC 4-22-2; IC 11-8-2**

SEA 256 changes the name of the Correctional Peace Officer's Fund to the Correctional Professionals Assistance Fund of Indiana. Payment of monetary assistance from the fund is

subject to the approval of the commissioner. The act adds catastrophic events, as determined by the commissioner, to the list of purposes for which monetary assistance may be paid from the fund. (RC# 133; 3<sup>rd</sup> Rdg; 50-0)

**SEA 262 IC 4 AND IC 5 CODE REVISION**

**Author(s): BRAY, TAYLOR**

**Sponsor(s): STEUERWALD, L. LAWSON**

**Citations Affected: IC 4-2-6-4; IC 4-2-7; IC 4-2-8; IC 4-22-2; IC 4-2-7-8**

SEA 262 reorganizes certain crimes relating to state and local administration by: (1) relocating and renumbering crimes currently codified as offenses against public administration (IC 35-44) into a new article and repealing IC 35-44; and (2) relocating certain other crimes codified in IC 4 and IC 5 into the criminal code. The act repeals a provision adopted in 1855 prohibiting certain governmental officers from recklessly lending more money than they are authorized to lend. The act exempts from the conflict of interest statute a physician employed or contracted by a hospital. The act makes the disclosure of certain confidential information a Class A infraction (under current law the disclosure of certain confidential information is a Class A misdemeanor). (RC# 362; CCR#1; 49-0)

**SEA 329 EMINENT DOMAIN FILING DEADLINE**

**Author(s): HUME, STEELE**

**Sponsor(s): MESSMER, BATTLES**

**Citations Affected: IC 32-24-1-11**

SEA 329 specifies that a party to an eminent domain action aggrieved by the assessment of benefits or damages in a report of the appraisers filed with a court may file written exceptions to the assessment in the office of the circuit court clerk: (1) after the report of the appraisers is filed with the court; and (2) not later than 45 days after the date the circuit court mails the report. (RC# 156; 3<sup>rd</sup> Rdg; 50-0)

## **Education & Career Development**

**HEA 1047 EDUCATION STUDY COMMITTEE**

**Author(s): LUTZ, GUTWEIN**

**Sponsor(s): KRUSE**

**Citations Affected: IC 2-5-1.1-5; IC 5-14-6**

HEA 1047 establishes the Education Issues Interim Study Committee to study the feasibility of establishing a process by which residents of a part of an existing school corporation may elect to disannex from the existing school corporation and either annex to another existing school corporation or establish a new school corporation. (RC# 215; 3<sup>rd</sup> Rdg; 48-2)

**HEA 1058 ADOPTION OF BUDGET FOR REORGANIZED SCHOOL**

**Author(s): BAIRD, GRUBB**

**Sponsor(s): BOOTS, BRODEN**

**Citations Affected: IC 36-1.5-4-7**

HEA 1058 permits two or more school corporations to publish notices, hold public hearings, and take final action for the adoption of property tax levies, property tax rates, and a budget for the

reorganized school corporation after the voters approve a plan of reorganization in a general election. The act also provides that a conversion charter school must publish its estimated annual budget for the ensuing year. (RC# 236; 3<sup>rd</sup> Rdg; 48-1)

#### **HEA 1169 SCHOOL DISCIPLINE**

**Author(s): KOCH, NOE, FRIZZELL**

**Sponsor(s): KRUSE**

**Citations Affected: None**

HEA 1169 requests the Legislative Council to establish a study commission on the topic of school discipline best practices. The commission would receive testimony in the summer and fall and potentially make recommendations to the next General Assembly. Before becoming a study commission recommendation, the act removed the requirement that an activity must be "unlawful" in order for a student to be suspended or expelled for engaging in activity on or off school grounds, if the activity may reasonably be considered to be an interference with school purposes or an educational function; or the student's removal is necessary to restore order or protect persons on school property. (RC# 280; 3<sup>rd</sup> Rdg; 49-0)

#### **HEA 1205 SCHOOL EMPLOYEE CONTRACTS**

**Author(s): BEHNING, RHOADS, WESCO, NOE**

**Sponsor(s): KRUSE**

**Citations Affected: IC 20-26-5-4.3; IC 20-26-5-4.7; IC 20-29-6-19; IC 20-24-9-7**

HEA 1205 requires a school corporation to give public notice and hold a public meeting pertaining to a proposed superintendent employment contract. The act provides that the public meeting must occur at least seven days before a contract for employment is entered and that the governing body is not required to disclose the identity of the candidate for superintendent at the public meeting. It also requires that the governing body shall post the provisions of a superintendent's employment contract and the provisions of an employment contract with a certificated employee that is not represented by an exclusive representative on the school corporation's Internet web. The act provides that after a governing body and the certified employees' exclusive representative have reached an agreement on a contract, the governing body shall post the contract on the school corporation's Internet web site. Finally it requires the organizer of a charter school to publish the names of the members of the charter school's governing body on the school's Internet web site. (RC# 286; 3<sup>rd</sup> Rdg; 35-15)

#### **SEA 259 SCHOOL CONSOLIDATION EXECUTIVE SESSION**

**Author(s): ALTING, SKINNER**

**Sponsor(s): DERMODY**

**Citations Affected: IC 5-14-1.5-6**

SEA 259 allows discussion of strategy with respect to school consolidation to be conducted in an executive session. (RC# 135; 3<sup>rd</sup> Rdg; 46-4)

#### **SEA 267 EDUCATION CONCERNING CHILD ABUSE**

**Author(s): ROGERS, KRUSE, RANDOLPH**

**Sponsor(s): BEHNING**

**Citations Affected: IC 20-19-3-11**

SEA 267 requires the Department of Education, in collaboration with the Department of Child Services and organizations that have expertise in child abuse, including child sexual abuse, to identify or develop model education materials, response policies, and reporting procedures on child abuse, including child sexual abuse, for use by schools for grade 2 through grade 5. The enrolled act ensures that resources will be provided to parents, teachers and children. (RC# 314; Concurrence; 48-0)

**SEA 268 ADVISORY COMMITTEE ON EARLY EDUCATION**

**Author(s): ROGERS, KRUSE, RANDOLPH**

**Sponsor(s): BEHNING**

**Citations Affected: IC 20-19-4-4; IC 20-19-4-3**

SEA 268 requires the Department of Education's Education Roundtable to establish an advisory committee on early education, with members from around the state, to provide professional and technical assistance to the roundtable. The intent is to develop applicable early education policies that take advantage of the benefits early education affords students over their academic lifetime. (RC# 139; 3<sup>rd</sup> Rdg; 42-8)

**SEA 283 NONPUBLIC ALTERNATIVE HIGH SCHOOLS; RESIDENTIAL FACILITIES**

**Author(s): KRUSE, HOLDMAN, SKINNER**

**Sponsor(s): THOMPSON**

**Citations Affected: IC 20-26-11-8; IC 20-26-11-31; IC 20-49-5-3; IC 20-49-5-5; IC 31-34-20-5; IC 31-37-19-26; IC 20-19-2-10**

SEA 283 requires the Department of Education to waive accreditation standards for an accredited nonpublic alternative high school that contracts with a school corporation to provide alternative education services for students who have dropped out of high school, have been expelled or were not successful in the school corporation. The act also ensures that nonpublic alternative high schools receive state tuition support for a student involved in a legal settlement in another school corporation. The act also provides that a student, who is placed in a residential facility, is entitled to receive certain defined educational services from the school corporation in which the facility is located. (RC# 307; Concurrence; 43-4)

**SEA 296 CERTIFIED SCHOLARSHIP PROGRAM ELIGIBILITY**

**Author(s): LEISING, YODER**

**Sponsor(s): BEHNING**

**Citations Affected: IC 32-28-4-1; IC 20-51-1-5**

SEA 296 provides that an individual is eligible for a scholarship from a scholarship program that is Department of Education-certified if the student received a scholarship in a preceding school year, including a school year that does not immediately precede a school year in which the individual receives a scholarship from a scholarship granting organization. To be eligible for the scholarship, an individual must be a member of a household at or below 200% the federal free or reduced lunch program each year that an individual receives a scholarship. (RC# 352; Concurrence; 31-17)

### **Significant legislation that failed to gain approval**

SB 83 would have required each school corporation to include cursive writing in the curriculum of the school corporation. The bill passed the Senate but did not receive a committee hearing in the House Committee on Education. (RC# 107; 3<sup>rd</sup> Rdg; 45-5)

SB 89 would have provided that the governing body of a school corporation may require the teaching of various theories concerning the origin of life. The bill was amended in the Senate to require the curriculum for the course to include theories on multiple religions. The bill passed the Senate, but failed to gain a committee hearing in the House because of controversy surrounding the bill. (RC# 108; 3<sup>rd</sup> Rdg; 28-22)

SB 236 included the following provisions:

- Provided that a school placed in the highest category or designation of academic performance is not required to conduct a school year of at least 180 student instructional days if the school conducts at least an equivalent number of hours of student instructional time.
- Prohibited public schools, except charter schools, from beginning the school year before the fourth Monday in August and from ending after June 10 of the following year, beginning with the 2014-2015 school year.
- Allowed year-round schools, schools with balanced calendars, schools that coordinate calendars with postsecondary educational institutions or large employers to hold a public hearing and allow the governing body to determine school start/end dates via a majority vote.
- Provided that a governing body may establish an end date for a school year that is later than June 10 for any school following public hearings and a majority vote of the governing body.
- Created a designation of "high performing school corporation", and provided that certain statutes and rules would be waived for a high performing school corporation.

The bill failed in the Senate for lack of a constitutional majority. (RC# 129; 3<sup>rd</sup> Rdg; 25-25).

## **Elections**

### **HEA 1004 VARIOUS ELECTION LAW MATTERS**

**Author(s): RICHARDSON, KOCH, BARTLETT**

**Sponsor(s): LANDSKE, LAWSON**

**Citations Affected: IC 3-10-7-6; IC 3-11-4-17; IC 3-13-1-12; IC 3-13-2-6; IC 3-13-11-8; IC 20-26-4-4; IC 3-10-6-7.5**

HEA 1004 provides that if there is a contested election for any office of a municipality, all nominees for each office must be shown on the ballot. A county election board may provide by resolution adopted by a unanimous vote of the members of the election board, that an election for a municipal office not be held if there is no contest for the office. A county election board may provide by resolution adopted by a unanimous vote of the members of the election board, that a municipal election may be limited to legislative body districts of the municipality where there are contests for election of members of the municipal legislative body if there are no contested offices to be elected by all the voters of the municipality. A circuit court clerk must record certain information from an application for an absentee ballot in the statewide voter registration list. If a caucus called to fill a candidate vacancy or a vacancy in certain local offices does not



obtain a quorum, the applicable political party county chairman or state chairman is required to fill the vacancy. (RC# 235; 3<sup>rd</sup> Rdg; 31-19)

**SEA 115 CLASSIFICATION OF POLITICAL SUBDIVISIONS**

**Author(s): LANDSKE, LAWSON, ARNOLD, LANANE, BRODEN**

**Sponsor(s): KOCH**

**Citations Affected:** IC 1-1-3.5-8; IC 3-6-5-1; IC 3-6-5.4-1; IC 3-8-1-1.5; IC 3-8-1-28.5; IC 3-10-6-2.5; IC 3-10-7-2.5; IC 4-10-18-10; IC 4-33-12-6; IC 4-33-13-5; IC 5-1-14-7; IC 5-1.4-1-5; IC 5-1.4-1-10; IC 5-10.4-4-1; IC 5-13-9-2; IC 6-1.1-10-15; IC 6-1.1-10-16.5; IC 6-1.1-12.1-2; IC 6-1.1-12.1-3; IC 6-1.1-12.1-4.7; IC 6-1.1-12.1-10; IC 6-1.1-12.9-1; IC 6-1.1-12.9-3; IC 6-1.1-12.9-5; IC 6-1.1-12.9-6; IC 6-1.1-12.9-7; IC 6-1.1-12.9-8; IC 6-1.1-12.9-9; IC 6-1.1-12.9-10; IC 6-1.1-17-5; IC 6-1.1-17-5.6; IC 6-1.1-18.5-9.5; IC 6-1.1-18.5-13; IC 6-1.1-18.5-13.5; IC 6-1.1-21.5-1; IC 6-1.1-21.8-2; IC 6-3.5-1.1-2.5; IC 6-3.5-1.1-2.7; IC 6-3.5-1.1-2.8; IC 6-3.5-1.1-2.9; IC 6-3.5-1.1-3.1; IC 6-3.5-1.1-3.5; IC 6-3.5-1.1-3.6; IC 6-3.5-1.1-10; IC 6-3.5-2-2; IC 6-3.5-7-1; IC 6-3.5-7-4.3; IC 6-3.5-7-5; IC 6-3.5-7-13.1; IC 6-3.5-7-16; IC 6-3.5-7-22.5; IC 6-3.5-7-23; IC 6-3.5-7-24; IC 6-9-1-2; IC 6-9-1-5; IC 6-9-2-2; IC 6-9-2.5-1; IC 6-9-4-1; IC 6-9-6-1; IC 6-9-7-1; IC 6-9-10-1; IC 6-9-10.5-1; IC 6-9-14-1; IC 6-9-15-1; IC 6-9-17-1; IC 6-9-19-1; IC 6-9-20-1; IC 6-9-21-1; IC 6-9-25-1; IC 6-9-25-9.5; IC 6-9-26-1; IC 6-9-26-12.5; IC 6-9-27-1; IC 6-9-28-1; IC 6-9-32-1; IC 6-9-36-1; IC 6-9-37-1; IC 6-9-38-1; IC 7.1-3-1-25; IC 7.1-3-20-16; IC 7.1-3-20-26; IC 8-1-2-103; IC 8-1-2.7-9; IC 8-1.5-4-3; IC 8-1.5-4-14; IC 8-9.5-7-1; IC 8-10-5-5; IC 8-10-5-8.5; IC 8-10-9-1; IC 8-14-8-3; IC 8-14-16-1; IC 8-15-2-1; IC 8-15-3-9; IC 8-15.5-1-2; IC 8-15.7-1-5; IC 8-16-3.1-1; IC 8-22-2-1; IC 8-22-3-1.1; IC 8-22-3-4; IC 8-22-3-4.1; IC 8-22-3.5-1; IC 8-22-3.6-3; IC 8-22-3.7-4.5; IC 9-21-8-44.5; IC 11-12-6-11.1; IC 12-15-12-14; IC 12-24-18-1; IC 12-30-7-1; IC 13-17-5-5.4; IC 13-17-5-9; IC 13-17-11-2; IC 13-20-23-1; IC 13-21-3-5; IC 13-21-3-6; IC 13-21-3-12.2; IC 13-21-3-14.5; IC 13-21-3-15; IC 13-21-13-1; IC 14-15-3-17; IC 14-26-6-2; IC 14-27-6-1; IC 14-33-2-18; IC 14-33-5.4-1; IC 16-20-2-2; IC 16-20-2-2.5; IC 16-20-2-7; IC 16-20-2-18; IC 16-20-4-5; IC 16-20-4-5.5; IC 16-20-4-27; IC 16-22-2-3.1; IC 16-22-2-4; IC 16-22-2-5; IC 16-22-2-7; IC 16-22-2-12; IC 16-23-7-1; IC 16-23-8-1; IC 16-23-9-1; IC 16-24-1-4; IC 16-24-1-9; IC 16-24-1-15; IC 16-24-1-16; IC 16-24-2-1; IC 16-41-25-1; IC 20-23-4-44; IC 20-23-8-7; IC 20-23-8-13; IC 20-23-12-2; IC 20-23-13-1; IC 20-23-14-2; IC 20-23-15-2; IC 20-23-16-11; IC 20-23-17-1; IC 20-23-17.2-1; IC 20-26-8-13; IC 20-33-2-34; IC 22-11-3.1-2; IC 25-37-1-15; IC 27-2-15-4.5; IC 31-31-8-4; IC 32-25-4-3.5; IC 32-25-7-1; IC 32-25-8-2; IC 33-39-6-7; IC 33-41-1-1; IC 35-38-2-1; IC 35-47-3-2; IC 35-47-3-3; IC 36-1-3.5-3; IC 36-1-3.5-4; IC 36-1-3.5-5; IC 36-1-3.5-6; IC 36-1-3.5-7; IC 36-1-3.5-8; IC 36-1-3.5-9; IC 36-1-3.5-10; IC 36-1-11-3.2; IC 36-1-11-5.6; IC 36-2-2-4; IC 36-2-2-5; IC 36-2-3-2; IC 36-2-3-4; IC 36-2-3.5-1; IC 36-4-1-1; IC 36-4-3-4; IC 36-4-3-4.1; IC 36-4-3-8.5; IC 36-4-3-13; IC 36-4-3-24; IC 36-4-9-11; IC 36-5-1-7.1; IC 36-5-4-13; IC 36-7-4-202; IC 36-7-4-918.6; IC 36-7-4-1103; IC 36-7-4-1210.5; IC 36-7-5.1-11; IC 36-7-7.51; IC 36-7-7.6-1; IC 36-7-11-4; IC 36-7-11-8.5; IC 36-7-11-22; IC 36-7-13-10; IC 36-7-13-10.7; IC 36-7-13-12; IC 36-7-14-15.5; IC 36-7-14-



39.2; IC 36-7-26-1; IC 36-7-29-1; IC 36-7-31.3-8; IC 36-7-31.3-9; IC 36-7-31.3-10; IC 36-7-31.3-19; IC 36-7.5-1-4; IC 36-7.5-1-11; IC 36-7.5-2-3; IC 36-7.5-4-2; IC 36-8-8-1; IC 36-8-8-7; IC 36-8-10-7; IC 36-8-15-1; IC 36-8-15-19; IC 36-9-2-1; IC 36-9-3-2; IC 36-9-3-3.5; IC 36-9-3-5; IC 36-9-4-1; IC 36-9-4-13.5; IC 36-9-14-2; IC 36-9-25-1; IC 36-9-25-3; IC 36-9-25-8; IC 36-9-25-39; IC 36-9-30-21; IC 36-10-3-11.5; IC 36-10-4-6; IC 36-10-4-6.1; IC 36-10-5-2; IC 36-10-5-5; IC 36-10-7-9; IC 36-10-10-1; IC 36-10-11-1; IC 36-10-13-4; IC 36-10-13-5; IC 36-10-13-7; IC 36-11-9-1; IC 36-12-1-13; IC 36-12-2-11; IC 36-12-2-15; IC 36-12-3-8; IC 36-12-7-8

SEA 115 changes population parameters in various statutes to reflect the population count determined under the 2010 decennial census and specifies that changes in population parameters in legislation enacted during the 2012 regular session take effect April 1, 2012. The act updates multipliers that are based on a county's population and used in determining distributions made by the department of correction to county misdemeanor funds. The act provides that a city becomes a first class city when the city attains a population of 600,000. The act substitutes names for population parameters in the following types of statutes:

- Statutes legalizing certain actions of particular political subdivisions.
- Statutes that have been challenged unsuccessfully as special or local legislation.
- Statutes reserving certain powers to certain political subdivisions at the time of recodification of laws relating to political subdivisions.
- Statutes relating to certain local taxes. (RC# 40; 3<sup>rd</sup> Rdg; 50-0)

## **SEA 119 REDISTRICTING TECHNICAL CORRECTIONS**

**Author(s): LANDSKE, LAWSON, LANANE**

**Sponsor(s): KOCH**

**Citations Affected: IC 2-1-12.5**

SEA 119 makes technical corrections to the 2011 redistricting plans. (RC# 41; 3<sup>rd</sup> Rdg; 50-0)

## **SEA 175 ABSENTEE BALLOTS**

**Author(s): M. YOUNG, LANANE**

**Sponsor(s): RICHARDSON**

**Citations Affected: IC 3-11-4-5.1; IC 3-11-4-17; IC 3-11-4-17.5; IC 3-11-10-10; IC3-11-4-2**

SEA 175 provides that an absentee ballot application may not be pre-printed with the voter's voter identification number. The act requires the Election Commission, not later than June 30, 2012, to modify the absentee ballot application form to request that a voter provide the last four digits of the voter's Social Security number or state that the voter does not have a Social Security number. In addition, the form must indicate that a voter's compliance with the request is optional. A voter's failure to provide the requested information does not affect the voter's ability to receive an absentee ballot. A circuit court clerk must record certain information from an absentee ballot application in the statewide voter registration list. If an appointed member of a county election board cannot be present for the opening of the place where absentee ballots are kept, the member must designate an individual from the member's political party to be present with the key to open the place where the absentee ballots are kept. The Legislative Council is urged to assign to a study committee during the 2012 legislative interim the topics of:

- ballot security for an absentee ballot transmitted to and from a voter by mail; and

- connection of the statewide voter registration list and files maintained by the department of state revenue. (RC # 371; Concurrence; 37-13)

### **SEA 193 LOCAL ELECTED OFFICIALS**

**Author(s):** ARNOLD, LAWSON, LANDSKE, CHARBONNEAU, RANDOLPH, MILLER, BRODEN

**Sponsor(s):** DERMODY

**Citations Affected:** IC 3-8-2-11; IC 36-2-2-5; IC 36-2-3-5; IC 3-8-1-33

SEA 193 requires a candidate for a local or school board office to file a statement of economic interest with the candidate's declaration of candidacy, petition of nomination, declaration of intent to be a write-in candidate, or certificate of candidate selection. An individual who fills a vacancy in an elected local or school board office must file a statement of economic interest not later than 60 days after the individual assumes the office. The act repeals a provision that allows a member of a county executive or a county fiscal body: (1) who is elected from and must reside within a district; and (2) who is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use after the member has begun a term of office; to complete the member's term of office as long as the member remains a resident of the county that contains the member's district. (RC# 303; Concurrence; 47-0)

### **SEA 233 VARIOUS ELECTION LAW MATTERS**

**Author(s):** ALTING, LANDSKE, LAWSON, ARNOLD, BRODEN, GLICK, LANANE, HEAD, MILLER, BECKER, DELPH, HUME, ZAKAS, TOMES

**Sponsor(s):** RICHARDSON

**Citations Affected:** IC 3-6-2-1; IC 3-8-6-12.5; IC 3-8-6-13; IC 3-8-6-17; IC 3-10-6-7.5; IC 3-10-7-6; IC 3-13-1-21; IC 3-5-4-1.2

SEA 233 provides that if there is a contested election for any office of a municipality, all nominees for each office must be shown on the ballot. The act authorizes a county election board to provide by resolution adopted by a unanimous vote of the members of the election board, that an election for a municipal office not be held if there is no contest for the office, such a resolution expires January 1 of the year immediately following its adoption. A county election board may provide by resolution adopted by a unanimous vote of the members of the election board, that a municipal election may be limited to legislative body districts of the municipality where there are contests for election of members of the municipal legislative body if there are no contested offices to be elected by all the voters of the municipality. A candidate filing required to be made with the Election Division is void if the filing is made with a county election official. A candidate's nomination by petition is not effective unless the candidate files all required documents. A petition of nomination for a candidate in a special election called by the governor must be filed not later than 74, rather than 50, days before the election. The act specifies noon July 3 before election-day, rather than noon on the second Tuesday in September before a general election, as the deadline for filing a certificate of nomination to replace an independent or minor party candidate nominated by petition. (RC# 313; Concurrence; 39-9)

## **Energy & Environmental Affairs**

### **HEA 1060 HAZARDOUS WASTE DISPOSAL TAX**

**Author(s): BAIRD**

**Sponsor(s): LAWSON, RANDOLPH**

**Citations Affected: IC 6-6-6.6-3; IC 13-25-4-1**

HEA 1060 authorizes a county to use a part of its hazardous waste disposal tax revenue to pay costs associated with the maintenance or repair of county roads. The act provides that any annual expenditures for county roads may not exceed 10% of the balance of the county's separate fund for the deposit of hazardous waste disposal taxes as of January 1 of the calendar year in which the expenditures are made. (RC#219; 3<sup>rd</sup> Rdg; 49-1)

### **HEA 1107 HYDRAULIC FRACTURING TREATMENTS**

**Author(s): KOCH, BATTLES, UBELHOR**

**Sponsor(s): GARD, BREAUX**

**Citations Affected: IC 14-37-3-8; IC 14-8-2-19.5; IC 14-37-3-8; IC 14-8-2-128.4**

HEA 1107 defines "hydraulic fracturing" and "base fluid" for purposes of the law concerning oil and gas wells. "Hydraulic fracturing," means the process of pumping fluids into a closed wellbore with sufficient downhole pressure to crack or fracture the formation, allowing the injection of a proppant into the fractures, thereby creating a high-permeability plane through which fluids can flow. "Base fluids," means a fluid into which additives are mixed to form the hydraulic fracturing fluid that transports proppants into a geologic formation. The act requires the Natural Resources Commission, in regulating oil and gas wells, to adopt rules for the reporting and disclosure of hydraulic fracturing treatments including:

- The volume and source of base fluid used;
- A description of each additive product used in a hydraulic fracturing treatment;
- The volume of each additive product used in a hydraulic fracturing treatment expressed as a maximum percentage of the total fracturing fluid volume;
- The maximum surface treating pressure and injection treating pressure; and
- Any other information the commission considers necessary. (RC#221; 3<sup>rd</sup> Rdg; 50-0)

### **SEA 131 ENVIRONMENTAL MATTERS**

**Author(s): GARD, CHARBONNEAU, TALLIAN**

**Sponsor(s): WOLKINS**

**Citations Affected: IC 13-11-2-17; IC 13-23-11; IC 13-11-2-27.6; IC 13-20-16;  
IC 13-22-2-54; IC 13-11-2-72; IC 13-11-2-126**

SEA 131 defines "program year" as a calendar year for certain electronic waste programs. It establishes program year dates for certain recycling goals. It includes tire disposal as a "waste tire processing operation".

*Septage Management Vehicle Identification:* The act removes certain requirements for a septage management vehicle identification. It allows the Department of Environmental Management (IDEM) to issue a septage management permit that incorporates approval of a land application site.

*Requirements for IDEM:* The act requires IDEM to include restrictive covenants on a property transfer disclosure form. It requires IDEM to: (1) provide information on a property's restrictive covenants; and (2) include environmental defects on a property transfer disclosure form. The act requires IDEM to provide Solid Waste Management Districts (SWMDs) with a curriculum model that includes educational core principles concerning: (1) the reuse, recycling, and collection of mercury; and (2) the reuse, recycling, collection, and proper disposal of solid waste.

*Clean Manufacturing Technology Board:* The act abolishes the Clean Manufacturing Technology Board.

*Solid Waste Management District Issues:* The act provides that SWMDs must implement educational programs that meet the minimum standards established by IDEM in the curriculum model. It specifies additional information that an SWMD must include in the annual report prepared by the district and provided to IDEM, the Department of Local Government Finance (DLGF), and the Legislative Council. The act also requires an SWMD to publish the report on an Internet web site maintained by the district or on the Internet web sites maintained by the counties that are members of the district.

*Interim Study Committee Topics:* It provides that, in 2015 and every fifth year thereafter, the Legislative Council must require an interim study committee or a statutory study committee to assess SWMDs and determine whether any changes should be made to the statutes governing districts. The act requires the Commission on State Tax and Financing Policy to study issues related to the financing of SWMDs during the 2012 interim. It requires the Environmental Quality Service Council to study issues concerning the powers of SWMDs to establish and issue permits that are not specifically authorized by a statute, and impose and collect fees that are not specifically authorized by a statute during the 2012 interim.

*Miscellaneous:* The act establishes certain waste source reduction goals. It requires the holder of an incinerator permit to notify IDEM and appropriate local government officials about certain contaminant effects from incineration exceeding control levels of an air pollution control permit. It exempts a manufacturer of tires that keeps 5,000 waste tires or less in an enclosed structure from certain registration provisions. It exempts a person that obtains a certificate of registration from having to obtain a solid waste processing facility permit for activities covered under the registration or if the person stores or processes waste tires in a facility according to certain regulations. It excludes a waste tire amnesty day sponsored by a local government from certain registration requirements. It allows disposal of waste tires by delivery to a facility that retreads tires, delivery to a facility that is registered as a storage site or processing operation, or collection by a registered transporter. It provides that waste tire transporters may not design their own manifest form. The act also requires from a recycler a list of collectors from which the recycler received covered electronic devices.

*Repealed Provisions:* The act repeals provisions pertaining to waste exchange, solid and hazardous waste materials exchange, waste incineration and waste tires. (RC#301; Concurrence; 46-1)

**SEA 132 WATER UTILITY RESOURCES DATA****Author(s): GARD, CHARBONNEAU, R. YOUNG****Sponsor(s): WOLKINS, KOCH, WELCH****Citations Affected: IC 8-1-30.5; IC 8-1-1-2; IC 8-1-1-125; IC 4-4-9.7-4;  
IC 5-14-6; IC 5-14-3-4**

SEA 132 requires each water utility that provides water service to the public in Indiana for a fee to annually submit to the Indiana Utility Regulatory Commission (IURC) a report on the types of use of the water resources used by the utility in providing water service to Indiana customers, and the utility's operations and maintenance costs in providing water service to Indiana customers. It allows the IURC to prescribe the process, deadlines, and other requirements for submitting annual reports. The act also requires the IURC to collect in each annual report certain information concerning each water utility's plant in service, use of water resources, and sources of funding. It requires the IURC to include a summary of the data and information contained in the reports in an annual report to the Legislative Council and the Commission's annual report on the water and wastewater industries provided to the Regulatory Flexibility Committee. SEA 132 further provides that in making the required reports, the IURC shall use aggregated data to protect the confidential information of individual water utilities, and include in reports the recommendations concerning the use of financial resources by water utilities, necessary infrastructure investments by water utilities, and actions to minimize impacts on rates paid by water and wastewater customers. The act authorizes the IURC to adopt rules to implement the reporting requirements.

The act excludes an underground aquifer or water in an underground aquifer from the definition of "watercourse". "Watercourse" includes lakes, rivers, streams, and any other body of water (RC#302; Concurrence; 44-3)

**SEA 133 UNDERGROUND STORAGE TANKS****Author(s): GARD, CHARBONNEAU, BREAU****Sponsor(s): WOLKINS****Citations Affected: IC 13-14-6-1; IC 13-23-1-4; IC 13-23-1-2; IC 13-14-8;  
IC 13-13-9; IC 14-21.5-4**

SEA 133 allows the Solid Waste Management Board to adopt rules and establish requirements for underground storage tanks in conformance with the delivery prohibition program under United States Code. It provides that the Commissioner of the Department of Environmental Management (IDEM) may determine whether an underground storage tank is eligible for delivery, deposit, or acceptance of a regulated substance and issue a temporary order to enforce compliance. The act allows the Commissioner to enforce the delivery prohibition program if an owner or operator of an underground petroleum storage tank fails to register the tank or pay annual registration fees. It requires the Commissioner to provide notice before issuing such a temporary order. The act also requires compliance with such an order by the new owner of an underground storage tank after ownership of the tank is transferred. SEA 133 also allows the Commissioner to implement the delivery prohibition program prior to the adoption of rules by the board. It repeals requirements to pay certain tank fees and exempts the implementation of the delivery prohibition program from certain administrative procedures. The act also provides a defense to noncompliance with such an order if the owner or operator of the underground storage tank has not been notified that the tank is ineligible. (RC#16; 3<sup>rd</sup> Rdg; 48-0)

**SEA 168 LIABILITY FOR UNDERGROUND STORAGE TANK FEES**

**Author(s): RANDOLPH, GARD, BUCK, ECKERTY, TALLIAN  
BREAUX, LANDSKE**

**Sponsor(s): SOLIDAY, WOLKINS, HARRIS, ESPICH**

**Citations Affected: IC 13-23-7-10; IC 13-23-12-1; IC 13-23-8-4; IC 13-7-20;  
IC 13-23-8-4.5; IC 13-23-9-2**

SEA 168 provides that the state may impose a lien on the property of an owner or operator of an underground storage tank if the owner or operator of the tank fails to register or pay certain fees. It requires the Department of Environmental Management (IDEM) to provide 30 days written notice before filing a lien, and perfect a lien by recording the lien with the county recorder in the county in which the property is located. The act also provides that a bona fide purchaser is eligible to receive funds from the underground storage tank Excess Liability Trust Fund if the transferee acquires an underground storage tank as a result of a bona fide transaction, the transferor fails to pay any registration fees, IDEM fails to record the lien, and the transferee pays past due fees and interest not more than 30 days after receiving notice of indebtedness. (RC#116, 3<sup>rd</sup> Rdg; 50-0)

**SEA 311 COST BENEFIT ANALYSIS FOR ADMINISTRATIVE RULES**

**Author(s): HERSHMAN, GARD, SCHNEIDER, BUCK, RANDOLPH**

**Sponsor(s): TRUITT, VANMATTER**

**Citations Affected: IC 4-3-23-22-3; IC 2-5-18; IC 5-14-6; IC 4-22-2  
IC 5-14-3-4**

SEA 311 requires the Office of Management and Budget (OMB) to prepare a cost-benefit analysis for each administrative rule that has been adopted and has taken effect after December 31, 2011. OMB must prepare the analysis with respect to the first three years following the rule's effective date, and the report must be submitted to the Governor and the Administrative Rules Oversight committee within six months of the end of the first three years. It provides that if the OMB finds that a proposed rule is an adoption or incorporation by reference of a federal law, regulation, or rule that has no substantive effect on the scope or intended application of the federal law or rule, or a technical amendment with no substantive effect on an existing Indiana rule, the OMB may not prepare a cost-benefit analysis. If OMB does not prepare a cost-benefit analysis, it must submit its findings on why it isn't preparing the analysis to the Administrative Rules Oversight Committee and the Governor. SEA 311 further stipulates that a cost-benefit analysis prepared must include certain information, including information concerning the rule's primary and direct benefits, the rule's secondary and indirect benefits, and any cost savings to regulated persons as a result of the rule. A cost-benefit analysis may contain additional information that the Governor or the committee requests in writing.

In addition, SEA 311 allows the Governor or the committee to prescribe the form of a cost-benefit analysis and the process, deadlines, and other requirements for submitting a cost-benefit analysis. The act also provides that in preparing a cost-benefit analysis: (1) before a rule's adoption under the existing statute that requires a cost-benefit analysis for proposed rules; or (2) after a rule's adoption and effective date under the act; the OMB shall consider any verified data provided voluntarily by interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule. The act provides that if the OMB or an agency is unable to obtain verified data for a cost-benefit analysis, the OMB shall state in the analysis which data



were unavailable. It provides that a cost-benefit analysis is a public document, subject to the following:

- The OMB or an agency may not require an interested party or a regulated person to provide information in connection with an analysis.
- If an interested party or a regulated person voluntarily provides information, the OMB or an agency responsible for proposing or administering the rule shall ensure adequate protection of any confidential or proprietary information provided.
- At least 30 days before presenting the cost-benefit analysis to the Governor and the committee, the OMB shall make the cost-benefit analysis available to interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule.

Finally, the act provides that if an agency has adopted rules regarding the confidentiality of information, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims. (RC#335; Concurrence; 43-5)

## **Health & Provider Services**

### **HEA 1050 HEALTH CARE SHARING MINISTRIES**

**Author(s): KOCH, NOE, WELCH, WESCO**

**Sponsor(s): HOLDMAN, KRUSE, MILLER, BREAUX**

**Citations Affected: IC 27-1-2.1; IC 27-11-1-1**

HEA 1050 specifies requirements for a health care sharing ministry. The act exempts a health care sharing ministry from requirements of the insurance law. (RC#216; 3<sup>rd</sup> Rdg; 48-2)

### **HEA 1211 NURSING FACILITY SCREENING AND NOTIFICATION**

**Author(s): CROUCH, T. BROWN, BACON**

**Sponsor(s): BECKER, LEISING, BRODEN, SIMPSON**

**Citations Affected: IC 12-10-12-10; IC 12-10-12-16; IC 4-22-2  
IC 12-10-12-28.5**

HEA 1211 requires the dissemination of specified information as part of a nursing facility's notification to applicants. The specified information includes contact information for the agency that provides services in the area in which the nursing facility is located, and a list developed by the agency of all known long-term care options that may be available to the individual. The act specifies assessments that must be completed during a nursing facility preadmission screening. (RC#226; 3<sup>rd</sup> Rdg; 50-0)

### **HEA 1216 SELF DONATED BLOOD**

**Author(s): KIRCHHOFFER, WELCH, MILLER**

**Sponsor(s): MILLER**

**Citations Affected: IC 16-41-12-13; IC 16-41-16; IC 16-41-12-15; IC 35-42-1-7**

HEA 1216 provides that certain blood disposal requirements do not apply to autologous donations for stem cell transplantation. The act provides that the crime of transferring contaminated body fluids does not apply to autologous blood donations for stem cell transplantation. (RC#209; 3<sup>rd</sup> Rdg; 50-0)



## **HEA 1269 HEALTH CARE COMPACT**

**Author(s):** NEESE, KOCH, CHERRY, BACON, BORDERS, CULVER, DAVISSON, DERMONDY, DODGE, EBERHART, ELLSPERMANN, FRIZELL, R. FRYE, HEATON, HINKLE, LEHE, LUTZ, MCLAIN, SAUNDERS, STEUERWALD, THOMPSON, TURNER, VANNATTER, WOLKINS, KARICKHOFF, CLERE, BEHNING, RICHARDSON

**Sponsor(s):** MILLER

**Citations Affected:** IC 12-16.5

The act includes the following provisions:

- Requires the securing of the consent of the United States Congress.
- Specifies that the state legislature of each member state has the primary responsibility to regulate health care in the member state's jurisdiction.
- Allows member states of the compact to suspend all federal laws, regulations, and orders concerning health care that are inconsistent with the laws and regulations adopted by the member state under the compact, to the extent allowed under the Constitution of the United States and the constitution of the member state.
- Allows the Governor to enter into the Compact on behalf of the state only after:
  - the Budget Committee reviews the compact and an implementation plan developed by the State Budget Agency (SBA);
  - the SBA prepares an implementation plan showing how Indiana will provide access to health care under the compact; and
  - the SBA presents the plan to the Health Finance Commission.
- Specifies that Indiana's participation in the Compact does not include the administration of the federal Medicare program unless the General Assembly takes action that specifically authorizes the inclusion of Medicare in the compact; and
- Creates the Interstate Advisory Health Care Commission consisting of individuals from member states.
- Effective July 1, 2012.
- RC#370; CCR#1; 37-13.

## **HEA 1360 HEALTH MATTERS**

**Author(s):** WELCH, GRUBB, BACON

**Sponsor(s):** MILLER, BREAUX

**Citations Affected:** IC 12-11-1.1-1; IC 12-11-2.1-2

HEA 1360 provides a process for approval of an entity that is approved by a national accrediting body to provide certain services under home and community based services waivers. The act requires the Indiana Donation Alliance Foundation and Donate Life Indiana to submit an annual audit report concerning the Anatomical Gift Promotion Fund to the Speaker of the House of Representatives, President Pro Tempore of the Senate, the Senate Health and Provider Services Committee, and the House of Representatives Public Health Committee before February 1. It provides that money in the fund may not be distributed for any quarter of a year until the report for the previous year has been submitted. In addition, any annual reports that were not submitted before March 15, 2011, must be submitted by August 1, 2012. HEA 1360 extends the expiration date of the fund from July 1, 2012, to July 1, 2014. It exempts the health and hospital corporation from following certain procedures in the sale, lease, or disposal of property. (Previous law

exempted the health and hospital corporation from following these procedures in the disposal of surplus property.) The act adds the violations of failing to disclose, or negligently omitting, documentation requested for license renewal to the list of violations for which the Medical Licensing Board of Indiana may investigate and assess a civil penalty against a physician. (RC#358; CCR#1; 46-3)

**SEA 13 CASH ASSISTANCE POINT OF SERVICE AND DRUG REPORT**

**Author(s): MILLER, GARD**

**Sponsor(s): T. BROWN, C. BROWN, WELCH**

**Citations Affected: IC 12-7-2-1.8; IC 35-47-2; IC 12-13-14-4.5; IC 4-22-2; IC 4-31-5; IC 4-35-5.5; IC 12-15-35-28; IC 35-47-1-5**

SEA 13 prohibits the distribution of cash assistance benefits at a point of sale terminal that is located on the premises of an adult entertainment establishment. The act requires specified establishments to post signs on point of sale terminals on the premises that state that the terminal may not be used to receive cash assistance benefits. It requires the Drug Utilization Review Board to prepare and submit a preferred drug list report to the Select Joint Commission on Medicaid Oversight one time per year. (Previous law required the report twice a year.) The act also removes provisions that require the approval of the Division of Family Resources for the participation of specified retailers or financial institutions in the EBT system. (RC#54; 3<sup>rd</sup> Rdg; 50-0)

**SEA 15 BRAIN INJURY SERVICES AND MEDICAID**

**Author(s): MILLER, BECKER, BREAU, BUCK**

**Sponsor(s): T. BROWN, C. BROWN**

**Citations Affected: IC 2-5-23-3; IC 24-33-1**

SEA 15 requires the State Department of Health (ISDH) and the Office of the Secretary of Family and Social Services to study current brain injury services that are offered in Indiana, determine whether there are deficiencies in the services, and determine how to implement additional services and neurobehavioral rehabilitation programs in Indiana. The act establishes an advisory committee to assist ISDH and the office in the study. It requires that information concerning the study of brain injury services in Indiana and information concerning the feasibility and development of a risk-based managed care pilot program for aged, blind, and disabled Medicaid recipients be provided to the Health Finance Commission. (RC#320; CCR#1; 47-0)

**SEA 24 MENTAL HEALTH ISSUES**

**Author(s): LAWSON, SIMPSON**

**Sponsor(s): NOE, C. BROWN, T. BROWN**

**Citations Affected: IC 12-7; IC 12-21; IC 12-22; IC 12-23; IC 12-24; IC 25-1; IC 25-23.6; noncode**

SEA 24 affects the following multiple mental health issues:

*Renames Council, Adds Members-* The act renames the "Mental Health and Addiction Advisory Council" the "Mental Health and Addiction Planning and Advisory Council" and adds members to consolidate the current council with a body required by federal law.

*Commission on Mental Health and Addiction-* The act removes a provision under which lay members of the Commission on Mental Health and Addiction (COMHAA) are ineligible for per diem or traveling expenses.

*Superintendents of State Hospitals-* The act provides that superintendents of state hospitals serve at the will of the Director of the Division on Mental Health and Addiction (DMHA) and not for a term of four years. The act removes provisions requiring bonds for superintendents of state-operated facilities. It gives the Director of the DMHA, instead of the superintendent of each hospital, the authority to regulate smoking at state hospitals.

*Criminal Background Checks-* The act requires individuals applying for a social worker, marriage and family therapist, or counselor license to have a criminal background check.

*Clarification of Clinical Experience Requirement-* The act clarifies a provision that requires an applicant for a license as a marriage and family therapist to have two years of post degree clinical experience.

*Addiction Counselor License Exemptions-* The act reestablishes a provision that expired in 2011 concerning exempting certain individuals from the licensure requirement for addiction counselors.

*Obsolete Provisions-* The act repeals obsolete provisions concerning the Dawn Project, the Biennial Opioid Report, the closing of Central State Hospital, mandated bond requirements for superintendents of state hospitals, and the definition of "maintain". The act makes conforming changes.

*Pain Management Facilities Study Committee Topic-* The act urges the assignment to an interim committee the study of the regulation of pain management facilities and persons prescribing controlled substances. (RC#256, Concurrence; 50-0)

## **SEA 52 HIV TESTING**

**Author(s): BECKER, BREAU, MILLER, ROGERS, WYSS**

**Sponsor(s): T. BROWN, C. BROWN, CROUCH**

**Citations Affected: IC 16-41-6-1; IC 16-41-8-6; IC 16-41-10-2.5; IC 16-36-1; IC 25-23-1-1; IC 16-41-2; IC 16-36-1-2; IC 16-41-2-3; IC 35-38-1-10.5; IC 35-38-2-2.3**

SEA 52 allows a physician or physician's authorized representative to test an individual for HIV if certain conditions are met unless the individual to be tested refuses to consent to the test. (Previous law prohibited a physician from performing the test without the oral or written consent of the individual.) The act requires a refusal by an individual to have the test to be documented in the individual's medical record. It requires the physician or authorized representative to discuss with the patient the availability of counseling concerning the test results, notify the patient of the test results, and inform a patient with a test result indicating that the patient is HIV infected of treatment and referral options available to the patient. SEA 52 further provides that under certain circumstances, a physician may order an HIV test for a patient without informing the patient or despite the individual's refusal of the test. (RC#321; CCR#1; 49-0)

## **SEA 201 TRANSFER OF HUMAN ORGANISMS EXEMPTION**

**Author(s): MILLER**

**Sponsor(s): T. BROWN, WELCH**

**Citations Affected: IC 16-18-2-128.5; IC 35-46-5-3**

SEA 201 exempts from the crime of unlawful transfer of a human organism certain types of payments to a fertility clinic that meets specified requirements. The act provides that not more than \$4,000 may be paid to a woman donor or exempted fertility clinic for recovery time.

(Previous law stated not more than \$3,000 may be paid to a woman donor for recovery time.)

SEA 201 establishes a Class C felony for a person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party for purposes of embryonic stem cell research. (RC#122; 3<sup>rd</sup> Rdg; 47-3)

## **SEA 223 DEPARTMENT OF HEALTH MATTERS**

**Author(s): MILLER, BECKER, BREAUX**

**Sponsor(s): T. BROWN**

**Citations Affected: IC 16-20-1-23; IC 16-20-1-26; IC 16-41-9; IC 36-1-3-8**

SEA 223 deals with the following Department of Health matters:

*Requirements for Entry and Inspection of Premises:* This act requires a local health officer to show identification and receive consent before entering a premise to inspect or perform other tasks to determine compliance with public health laws and rules and to prevent and suppress disease. The act also sets forth circumstances in which consent is not required:

- The local health officer or the officer's designee obtains an order from a circuit or superior court in the jurisdiction where the premise is located to authorize the inspection, investigation, evaluation, testing, or taking of specimens or samples for testing.
- An emergency condition that poses an imminent and serious threat to the health of an individual or the public and the local health officer or the office's designee believes that a delay could result in a greater health risk.
- Entry by a local health officer or the officer's designee to a public place or an area in plain and open view to determine compliance with public health laws and rules.
- Entry under the terms and conditions of a license issued by the local health department at any reasonable time if reasonably necessary to determine compliance with public health laws and rules and the terms and conditions of the license.

The act sets forth multiple actions that a court may take to enforce a local Board of Health order, citation, or administrative notice:

- Issuing an injunction.
- Entering a judgment.
- Issuing an order and conditions under IC 16-41-9.
- Ordering the suspension or revocation of a license.
- Ordering an inspection.
- Ordering that a property be vacated.
- Ordering that a structure be demolished.
- Imposing a penalty not to exceed an amount set forth in IC 36-1-3-8(a)(10).
- Imposing court costs and fees under IC 33-37-4-2 and IC 33-37-5.
- Ordering the respondents to take appropriate action in a specified time to comply with the order of the local board of health or local health officer.

- Ordering a local board of health or local health officer to take appropriate action to enforce an order within a specified time. (Previous law allowed the court to enforce an order by injunction.)

The act specifies that the entries into the Indiana Death Registration System are required only for deaths that occurred after December 31, 2010.

*Children and Hoosiers Immunization and Registry Program (CHIRP) Provisions:* This act allows the Indiana State Department of Health (ISDH) to adopt rules concerning who may input and retrieve data from the Immunization Data Registry (registry). It allows an individual to file a registry exemption with the ISDH. The act allows the release of registry information to specified persons without the consent of the person. The act removes language that requires the ISDH to convene a panel concerning expanding access to the registry.

*Indiana Health Care Professional Recruitment and Retention Program:* The act removes a requirement that a health care professional work at least one year in a shortage area or at other specified health centers in order to be eligible for the loan repayment program. It requires that the health care professional agree to practice in the shortage area for at least one year. It also allows the Indiana Health Care Professional Recruitment and Retention Fund to be used to encourage delivery of health care in shortage areas on a full-time or less than full-time basis. (RC#347; CCR#1; 44-0)

#### **SEA 224 EMERGENCY AMBULANCE SERVICES REPORT**

**Author(s): MILLER, GARD, ROGERS**

**Sponsor(s): T. BROWN, C. BROWN**

**Citations Affected: IC 16-19-1-1; IC 10-19-7-1; IC 16-31-2-1; IC 2-5-23-3**

SEA 224 requires the State Department of Health, the Division of Fire and Building Safety, and the Indiana Emergency Medical Services Commission to report to the Health Finance Commission before October 1, 2012, concerning specified information on ambulances and emergency medical services. The act requires the agencies to consult with entities that may be affected by a proposal being considered for the report. (RC#325, CCR#1; 49-1)

#### **SEA 225 HOSPITAL ASSESSMENT FEE MATTERS**

**Author(s): MILLER, GARD, BREAUX**

**Sponsor(s): T. BROWN, C. BROWN**

**Citations Affected: IC 16-18-2-179; IC 16-21-2; IC 12-24-1-3;  
IC 12-8-6-1; IC 12-8-1-1**

SEA 225 allows the Hospital Assessment Fee Committee, before July 1, 2013, to set a later date for the submission of specified documents. The act removes language that required specified documents to have a retroactive implementation of July 1, 2011, and makes technical corrections. (RC#48; 3<sup>rd</sup> Rdg; 50-0)

#### **SEA 407 PHARMACY MATTERS**

**Author(s): GROOMS, BREAUX**

**Sponsor(s): DAVISSON, STEMLER**

**Citations Affected: IC 11-10-3-4; IC 25-26-13-25; IC 4-22-2; IC 11-12-5-8**

SEA 407 deals with the following pharmacy matters:

*Hospitals with Type II Pharmacy Permit-* The act allows a hospital holding a Type II pharmacy permit to offer drugs and devices to certain individuals who work or volunteer at the hospital and their dependents.

*Maximum Supervision-* The act allows a pharmacist to supervise not more than six licensed pharmacy technicians or pharmacy technicians in training at any time. (Currently, a pharmacist may supervise not more than four licensed pharmacy technicians or pharmacy technicians in training.)

*Issuing Technician Certificate-* The act prohibits the Indiana Board of Pharmacy from issuing a pharmacy technician certificate to an individual who has been convicted of a felony involving controlled substances.

*90-Day Prescription Supply-* The act allows a pharmacist, upon request of the patient, to dispense a 90 day supply of a prescription under specified circumstances. It requires the pharmacist to inform the customer concerning whether the additional drug supply of the prescription is covered under the patient's insurance.

*Pharmacy Audits-* The act specifies pharmacy audit requirements, including notice procedures and limitations on an initial audit and onsite audits. It requires a period of at least 30 days during which a pharmacy may appeal preliminary audit report findings. The act provides for the correction of clerical errors.

*Health Finance Commission-* The act requires the Health Finance Commission to study during the 2012 legislative interim, the issue of certain pharmacies and whether any limitation should be placed on the dispensing of a prescription drug by the pharmacies and specified health insurance plans and the number of covered people with copayments, coinsurance amounts, and out-of-pocket costs incurred for prescription drugs that exceed specified amounts for the coverage. (RC#348; CCR#1; 49-0)

### **Significant legislation that failed to gain approval**

HB 1007, which passed the House but failed to pass the Senate Committee on Health and Provider Services, would have required the Office of the Secretary of Family and Social Services to develop and establish a pilot program in three counties to test for the use of controlled substances under certain conditions by an individual who received assistance under the TANF program for the individual or on behalf of a child. It would have required the Office of the Secretary of Family and Social Services to notify the Department of Child Services (DCS) if a child is ineligible for assistance as a result of an individual testing positive for the illegal use of a controlled substance. The bill would have required DCS, not later than nine months after the date DCS received the report, to conduct a home visit at the child's residence to determine whether to pursue the report as a report of suspected child abuse or neglect. The bill would have required the Legislative Council to establish and administer a program to test members of the General Assembly for the use of controlled substances. After this bill failed to pass, the issue was placed in a resolution to request a study committee. SR 49 urges the Legislative Council to establish an interim study committee to study the development and establishment of a program to test for the



use of controlled substances by an individual who is at least 18 years of age and receives assistance under the Temporary Assistance for Needy Families (TANF) program for the individual or on behalf of a child. The resolution passed the Senate by voice vote.

HB 1136 died in conference committee. The bill would have revised the definition of "child care ministry," for purposes of IC 12-17.2, to mean child care operated by a church or religious ministry that is a religious organization. An amendment offered to the bill which would have specified requirements that must be met by a child care provider as a condition of eligibility to receive a federal Child Care and Development Fund voucher payment failed to pass the Senate. The amendment would have also set forth a disciplinary process for suspension or revocation of eligibility. (RC# 262; 2<sup>nd</sup> Rdg; 19-30) HB 1136 also would have required the Division of Family Resources to establish a Child Care Ministries Advisory Committee. (RC#278; 3<sup>rd</sup> Rdg; 40-10)

## **Homeland Security, Transportation & Veterans Affairs**

### **HEA 1059 MILITARY FAMILY RELIEF FUND**

**Author(s): BAIRD, GUTWEIN, DODGE, MORRIS**

**Sponsor(s): PAUL**

**Citations Affected: IC 10-17-12-8**

HEA 1059 extends from one year to three years the time that a service member or a service member's dependent may be eligible to receive assistance from the Military Family Relief Fund. The act requires the director of Veterans' Affairs to annually provide a report to the State Budget Committee concerning the grant program. (RC# 237; 3<sup>rd</sup> Rdg; 49-0)

### **HEA 1171 RELOCATION OF NEW MOTOR VEHICLE DEALERS**

**Author(s): GIAQUINTA, MORRIS, KUBACKI**

**Sponsor(s): WYSS**

**Citations Affected: IC 9-23-6-9; IC 9-23-3-24**

HEA 1171 provides that:

- Certain restrictions pertaining to the relocation of new motor vehicle dealers do not apply to a new motor vehicle dealer located in a county of over 100,000 inhabitants under certain circumstances;
- An action challenging the establishment or relocation of a new motor vehicle dealer within a relevant market area is filed with the Dealer Services Division of the Secretary of State (current law provides that the action is filed in the circuit court); and
- Requires an auto dealer to serve a demand for mediation on a manufacturer or distributor before or at the same time as filing a complaint or petition for relief with the Dealer Services Division of the Secretary of State alleging an injury caused by an unfair practice.
- RC# 248; 3<sup>rd</sup> Rdg; 26-23.

## **HEA 1212 BLUE LIGHTS ON VEHICLES**

**Author(s): KIRCHHOFFER, R. FRYE**

**Sponsor(s): MERRITT**

**Citations Affected: IC 9-19-14-5.5; IC 9-19-14-6; IC 9-21-7-11; IC 9-21-13-0.3; IC 9-21-13-0.7; IC 9-21-13-1; IC 9-13-2-69.3**

HEA 1212 includes the following provisions:

- Defines funeral escort vehicle;
- Provides that a vehicle utilized in a funeral procession or a funeral escort vehicle may display certain flashing lights in certain colors;
- Requires a funeral escort vehicle to bear certain markings;
- Prohibits a funeral escort vehicle from bearing certain markings;
- Provides that, in order for the vehicles in a funeral procession to have the right-of-way at an intersection, the vehicle heading the funeral procession must display a flashing red light, flashing red and white lights, or a flashing amber light. (Current law allows the vehicle to display alternately flashing red and blue lights);
- Provides that certain equipment requirements that apply to a funeral escort vehicle do not apply to an authorized emergency vehicle that is used in a funeral procession or as a funeral escort vehicle;
- Provides that a person who displays a red and blue lamp upon a vehicle or fails to remove a red and blue lamp from a vehicle under certain circumstances commits a Class C misdemeanor.
- RC# 227; 3<sup>rd</sup> Rdg; 47-3.

## **HEA 1298 TRANSPORTATION OF FOOD PRODUCTS**

**Author(s): DAVIS, MORRIS,**

**Sponsor(s): HOLDMAN, PAUL**

**Citations Affected: IC 34-30-2-24.3; IC 8-2.1-27**

HEA 1298 deals with the transportation of food products and provides that a person who operates a motor vehicle for the transportation of food without complying with health rules or certain health requirements concerning food transportation commits a Class A infraction. The act authorizes a law enforcement officer to inspect, detain, and in certain cases impound a motor vehicle that does not comply with the health rules. It provides that a health inspector may order the disposal of certain food and the impoundment of non-complying motor vehicles. It also provides that a person who transports food that was ordered disposed commits a Class A misdemeanor. The act also provides civil immunity for certain individuals enforcing food transportation safety laws. (RC# 241; 3<sup>rd</sup> Rdg; 49-0)

## **SEA 113 GOLF CARTS IN UNINCORPORATED AREAS**

**Author(s): HOLDMAN, HEAD, ARNOLD**

**Sponsor(s): LEHMAN**

**Citations Affected: IC 9-21-9-0.5; IC 9-24-1-7; IC 9-21-1-3.3**

SEA 113 revises provisions governing the use of golf carts on certain roadways. The act provides that a county may authorize an operator of a golf cart to cross a highway in the state highway system, at right angles, in order to travel from one highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely. It states that a violation of an ordinance governing the use of a golf cart on a state highway in a

county is considered an ordinance violation (instead of a Class C infraction). The act also provides that an ordinance authorizing the use of golf carts in a county must require that an individual who operates a golf cart in the county hold a driver's license and that a fine assessed for a violation of the ordinance be deposited in the general fund of the county. It provides that a county ordinance must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart. (RC# 323; CC1; 37-9)

**SEA 231 CONTRACTING WITH PERSONS THAT INVEST IN IRAN**

**Author(s): WYSS, BRODEN, M. YOUNG, DELPH, MERRITT, BECKER, LANANE, BANKS, ROGERS, KRUSE**

**Sponsor(s): TURNER**

**Citations Affected: IC 5-13-8-14; IC 5-16-1-9; IC 5-22-16.5; IC 5-23-1-5; IC 8-23-9-59; IC 21-37-7; IC 36-1-12-23; IC 4-13.6-6-5**

SEA 231 provides that agencies of state government, state educational institutions, and political subdivisions may not enter into contracts with persons that engage in investment activities in Iran. It also provides that a financial institution may not be designated as a public depository if the financial institution engages in investment activities in Iran. It requires the Indiana Department of Administration, using credible information available to the public, to establish a list of persons who engage in investment activities in Iran, providing for the inclusion of persons on the list and the removal of persons from the list. (RC# 85; 3<sup>rd</sup> Rdg; 49-1)

**SEA 255 VARIOUS HOMELAND SECURITY MATTERS**

**Author(s): WYSS, ARNOLD**

**Sponsor(s): R. FRYE**

**Citations Affected: IC 10-19-3-8; IC 10-19-3-9; IC 6-6-10-9**

SEA 255 provides that local emergency planning funds withheld by the State Emergency Response Commission (SERC) may be used by the SERC for purposes related to hazardous materials. It also authorizes the executive director of the Department of Homeland Security to grant variances to rules governing the State Disaster Relief Fund. (RC# 70; 3<sup>rd</sup> Rdg; 50-0)

**SEA 257 MOTOR VEHICLE LAW**

**Author(s): ARNOLD, WYSS**

**Sponsor(s): SOLIDAY**

**Citations Affected: IC 7.1-5-7-1; IC 7.1-5-7-7; IC 7.1-5-7-10; numerous others**

SEA 257 establishes the Interim Study Committee on Special Group Recognition License Plates. It also makes various changes to motor vehicle law, including changes to:

- Definitions;
- The Bureau of Motor Vehicles;
- The Bureau of Motor Vehicles Commission;
- License branches;
- Certificates of title;
- Registration of vehicles;
- Abandoned, salvaged and scrap vehicles;
- Driver's licenses;
- Financial responsibility;
- Accidents and accident reports;

- The driver education advisory board;
- Interstate compacts and agreements;
- Fees;
- General penalty provisions;
- Watercraft titling and registration; and
- Makes conforming changes and technical corrections. (RC# 361; CC1; 39-11)

**SEA 273 REGULATION OF OUTDOOR STAGE EQUIPMENT**

**Author(s): LANANE, ARNOLD, MERRITT, WYSS, BECKER, MILLER**

**Sponsor(s): CHERRY**

**Citations Affected: IC 22-12-1-4; IC 22-12-1-17.5; IC 22-12-1-17.7; IC 22-13-2-8.5; IC 22-15-3-8; IC 2-5-34.7**

SEA 273 permits the Fire Prevention and Building Safety Commission to exempt or provide alternative requirements for small assemblies of outdoor stage equipment. It validates local programs regulating outdoor stage equipment that were implemented before March 15, 2012 and specifies that a local unit has jurisdiction to require compliance with state requirements on both private and public property, including the State Fairgrounds. The act provides that state authority over outdoor stage equipment expires on January 1, 2014 and provides for a study committee to study the issues related to the regulation of outdoor stage equipment and recommend permanent legislation to the General Assembly to regulate the use of outdoor stage equipment in Indiana for the purpose of protecting the safety of persons at an outdoor performance. The act also requires copies of reports related to the collapse of an outdoor stage on the State Fairgrounds to be submitted to the study committee. (RC# 304; Concurrence; 41-5)

**SEA 301 EXTRA HEAVY DUTY HIGHWAYS**

**Author(s): CHARBONNEAU, WYSS, BUCK ARNOLD**

**Sponsor(s): SOLIDAY**

**Citations Affected: IC 9-20-5-4; IC 9-20-5-5; IC 9-20-5-6; IC 9-20-5-1**

SEA 301 authorizes the Department of Transportation (INDOT) to adopt rules to establish and designate a highway as an extra heavy duty highway (under current law, extra heavy duty highways are designated by statute.) It requires INDOT to include in the rules highways designated by statute as extra heavy duty highways as well as statutory size and weight limits. It also provides that statutory extra heavy duty highway designations and size and weight limits expire on the later of the date on which INDOT's rules are finally adopted or December 31, 2014. (RC# 72; 3<sup>rd</sup> Rdg; 45-5)

## Higher Education

### **SEA 56 BALL STATE BOARD OF TRUSTEES**

**Author(s): ECKERTY, LANANE, ROGERS**

**Sponsor(s): SPEEDY, FOLEY**

**Citations Affected: IC 27-7-13-29.5; IC 21-19-3-3; IC 21-19-3-4; IC 21-20-3-4; IC 21-20-3-6; IC 21-20-3-8; IC 21-20-3-9**

SEA 56 adds a definition of a “research intensive campus.” As of July 1, 2012, research intensive campus" means a campus of a state educational institution that is classified or designated as a Research University (very high research activity) or a Research University (high research activity) or an equivalent successor designation that is established by the Carnegie Foundation for the Advancement of Teaching. The act also changes requirements for the Board of Trustees for several state universities. The act removes a requirement that all members of the Ball State University Board of Trustees be residents of Indiana. It also removes a requirement that at least one member be a resident of Delaware County. These last two provisions are retroactive to January 1, 2012.

In addition, SEA 56 modifies the manner in which alumni members of the Indiana University Board of Trustees are elected, and allows the board to hold meetings at the dates, times, and places the board agrees upon. Further, the act repeals a provision concerning emergency appointments to the Board of Trustees of Indiana University. These provisions become effective July 1, 2012. (RC# 106; 3<sup>rd</sup> Rdg; 46-2)

### **SEA 182 STATE EDUCATIONAL INSTITUTIONS; CREDIT TRANSFERS**

**Author(s): BANKS, KRUSE, ROGERS, HEAD, LEISING, DELPH**

**Sponsor(s): KARICKHOFF, TURNER, KLINKER**

**Citations Affected: IC 21-18-9-7; IC 21-42-1-3; IC 21-42-2-5; IC 21-42-5**

SEA 182 requires the Commission for Higher Education to create a common course numbering system, into which each state educational institution shall map its own course numbers, for courses in the core transfer library. The act requires state educational institutions to create a statewide transfer general education core to be implemented by May 15, 2013. The act provides that an individual who holds an associate degree is considered to have met at least 30 semester credit hours of the general education requirements for a bachelor's degree. Finally, the act requires a state educational institution to accept an associate degree from another state educational institution as credit toward a related bachelor's degree. The act becomes effective July 1, 2012. (RC# 119; 3<sup>rd</sup> Rdg; 50-0)

### **HEA 1116 MILITARY EDUCATION AND TRAINING**

**Author(s): BORDERS, KOCH, BARTLETT**

**Sponsor(s): WATERMAN, TOMES**

**Citations Affected: IC 21-42-7; IC 4-22-2; IC 25-1-17; IC 25-1-8-1**

HEA 1116 addresses military education and training. The act requires a state educational institution to adopt a policy to award educational credit to an individual who is enrolled in a state educational institution and successfully completes courses that are part of the individual's military service, meet the standards of the American Council on Education for awarding academic credit, and meet the state educational institution's role, scope, and mission. The act

requires that the Commission for Higher Education must adopt rules that establish uniform guidelines for state educational institutions to follow when implementing the requirements. The act provides that an occupational or professional licensure board shall issue a license, certificate, registration, or permit to a military service applicant or military spouse who meets certain requirements. Further, the act allows a board to issue a temporary practice permit or provisional license while the military service applicant or military spouse is satisfying certain requirements as determined by the board. The act becomes effective July 1, 2012. (RC# 275; 3<sup>rd</sup> Rdg; 50-0)

#### **HEA 1200 VARIOUS CORRECTION MATTERS**

**Author(s): FOLEY, KOCH, BEHNING**

**Sponsor(s): BRAY, SIMPSON**

**Citations Affected: IC 11-8-7-2; IC 11-13-1-8; IC 33-38-9-3; IC 35-38-2-3**

HEA 1200 requires a sentencing court to inform the Department of Correction if the person sentenced is a credit restricted felon. The act requires a court that determines that a person sentenced is a credit restricted felon to state in the sentencing order and the abstract of judgment that the person is a credit restricted felon. The act requires the judicial conference to adopt rules concerning swift and certain sanctions that a probation officer may use in supervising persons on probation. It provides procedures for a person on probation to be sanctioned by a probation officer. In addition, the act requires that credit time earned by certain offenders shall be reduced to the extent that application of the credit time would result in postconviction release or a community transition program assignment in less than 45 days after the person earns the credit time. Further, the act requires the department to establish an automated victim notification system, and notify a registered crime victim of certain changes affecting the committed offender who committed the crime against the victim. The act specifies when the department shall make certain victim notifications. It provides that if a court imposes a felony sentence that involves a commitment to the department, the court shall state certain information in the sentencing order and abstract of judgment. Finally, the act provides that if a court orders probation for a person, the person, or in the case of a child, the child's parents, are responsible for certain costs. This act becomes effective July 1, 2012. (RC# 356; CCR#1; 41-8)

#### **HEA 1220 COMMISSION ON HIGHER EDUCATION**

**Author(s): RHOADS, BEHNING, NOE**

**Sponsor(s): LEISING, YODER, BANKS**

**Citations Affected: IC 21-18-9-5; IC 21-18-9-8**

HEA 1220 pertains to the Commission for Higher Education and allows the commission to approve or disapprove existing or new associate, baccalaureate, or graduate degrees, or programs leading to a certificate or other indication of accomplishment. The act requires degree proposals submitted to the commission for approval to provide justifications for any additional credit requirements. It requires each state educational institution to review its undergraduate degree programs to determine the number of credit hours required for the degree and to report the results of the review to the commission, including a justification for any associate degree program of more than 60 hours or baccalaureate degree program of more than 120 hours. This act becomes effective July 1, 2012. (RC# 228; 3<sup>rd</sup> Rdg; 39-11)



## **HEA 1270 HIGHER EDUCATION**

**Author(s): CLERE, BEHNING**

**Sponsor(s): KRUSE, KENLEY**

**Citations Affected: IC 9-13-2-188.5; IC 21-17-1-13; IC 9-24-6-5.5; IC 21-17-1-13;  
IC 22-4.1-21-9; IC 21-18.5-2-12; IC 9-14-2-2; IC 4-22-2; IC 21-17-2-1;  
IC 5-2-6-3; IC 6-8.1-2.1; IC 9-27-6-4; IC 9-27-6-7; IC 20-28-5-1;  
IC 21-17-2-13**

HEA 1270 makes the following changes regarding higher education:

- Abolishes the State Student Assistance Commission (SSAC).
- Abolishes the Commission on Proprietary Education (COPE).
- Requires the Commission for Higher Education (CHE) to administer the functions formerly administered by SSAC.
- Establishes the Board for Proprietary Education (BPE).
- Permits the BPE to adopt reasonable rules.
- Specifies that the BPE must meet at least four times each year.
- Provides that the BPE is responsible for accrediting a postsecondary credit bearing proprietary educational institution.
- Provides that the CHE is responsible for providing staff and office space for the BPE.
- Specifies that the CHE is to determine the maximum higher education award and freedom of choice award, subject to approval by the Budget Agency with review of the Budget Committee.
- Requires the CHE to submit annual higher education award reports to the budget committee.
- Provides that the state Workforce Innovation Council is responsible for accrediting postsecondary proprietary educational institutions that are noncredit bearing.
- Establishes the Office for Career and Technical Schools within the state Workforce Innovation Council.
- Provides that the market research of a postsecondary credit bearing proprietary educational institution may not be considered or required by the BPE as a condition for accrediting or renewing the accreditation of or for approval of the programs of a postsecondary credit bearing proprietary educational institution.
- Transfers proceedings pending before the Indiana Commission on Proprietary Education on July 1, 2012, to the BPE for a proceeding pertaining to a postsecondary credit bearing proprietary educational institution or to the state Workforce Innovation Council if the proceeding pertains to a postsecondary proprietary educational institution.
- Requires the Auditor of State to transfer \$300,000 of the balance of the career college student assurance fund to the career college student assurance fund administered by the BPE.
- Requires the State Auditor to transfer the balance of the current career college student assurance fund to the student assurance fund administered by the state Workforce Innovation Council.
- Requests the Legislative Council to assign issues relating to the accreditation of proprietary institutions to an appropriate study committee (this provision is effective upon passage).
- Repeals:
  - provisions relating to establishment and administration of SSAC;
  - provisions relating to establishment and administration of COPE;

- certain provisions requiring the CHE to provide SSAC information to implement the minority teacher or nursing scholarship program; and
- definitions relating to SSAC or COPE.
- Adds transitional provisions.
- Makes conforming and technical amendments.

Except for the provision regarding Legislative Council to establish a study committee, this act becomes effective July 1, 2012. (RC# 292; 3<sup>rd</sup> Rdg; 39-11)

HEA 1201 deals with communications service to institutions of higher education and the I-Light network. *(For more information on this bill, please refer to the section on Utilities and Technology.)*

## **Insurance and Financial Institutions**

### **HEA 1226 INSURANCE MATTERS**

**Author(s): LEHMAN**

**Sponsor(s): PAUL**

**Citations Affected:** IC 27-1-12-11; IC 27-1-13-3; IC 27-1-15.7-2; IC 27-1-15.7-3; IC 27-1-15.7-5; IC 27-1-18-2; IC 27-1-20-35; IC 27-1-20-36; IC 27-1-22-4; IC 27-1-22-11; IC 27-1-23-1; IC 27-1-23-2; IC 27-1-23-3; IC 27-1-23-4; IC 27-1-23-5; IC 27-1-23-5.1; IC 27-1-23-6; IC 27-1-36-29; IC 27-2-18-9; IC 27-5.1-2-8; IC 27-6-10-1; IC 27-6-10-2.2; IC 27-6-10-5; IC 27-6-10-7; IC 27-6-10-9; IC 27-6-10-10; IC 27-6-10-11; IC 27-6-10-11.5; IC 27-6-10-12; IC 27-6-10-13; IC 27-6-10-13.3; IC 27-6-10-13.6; IC 27-6-10-13.8; IC 27-6-10-14; IC 27-6-10-16; IC 27-8-29-15; IC 27-10-3-2; IC 27-10-3-7; IC 27-10-3-7.1; IC 27-13-10.1-2; IC 34-30-2-106.3;

HEA 1226 makes various changes to the insurance law, including the law concerning:

- derivatives transactions;
- life insurance company filing requirements;
- insurance producer education;
- insurer response to Department of Insurance requests;
- notice of individual health insurance market withdrawal;
- confidentiality of information concerning certain insurer filings;
- insurance holding company regulation;
- health maintenance organization risk based capital requirements;
- material transaction reports;
- credit for reinsurance;
- external review of health coverage determinations; and
- bail and recovery agent licensing.

The act also provides for the deposit of new civil penalties in the Department of Insurance Fund, removes obsolete provisions and makes conforming amendments. (RC# 252; 3<sup>rd</sup> Rdg; 48-1)

## **HEA 1239 FINANCIAL INSTITUTIONS AND CONSUMER CREDIT**

**Author(s): BURTON, RIECKEN**

**Sponsor(s): PAUL, HOLDMAN**

**Citations Affected:** IC 5-1-5-6; IC 24-4.4-1-101; IC 24-4.4-1-102; IC 24-4.4-1-202; IC 24-4.4-1-301; IC 24-4.4-2-201; IC 24-4.4-2-402; IC 24-4.4-2-402.4; IC 24-4.4-2-403; IC 24-4.4-2-404; IC 24-4.4-2-404.1; IC 24-4.4-2-405; IC 24-4.5-1-102; IC 24-4.5-1-202; IC 24-4.5-1-301.5; IC 24-4.5-2-209; IC 24-4.5-2-602; IC 24-4.5-3-209; IC 24-4.5-3-503; IC 24-4.5-3-503.4; IC 24-4.5-3-503.6; IC 24-4.5-3-504; IC 24-4.5-3-505; IC 24-4.5-3-602; IC 24-4.5-6-102; IC 24-4.5-6-106; IC 24-4.5-6-119; IC 24-4.5-6-202; IC 24-4.5-6-203; IC 24-4.5-7-402; IC 24-7-8-4; IC 24-9-3-6; IC 24-9-3-7; IC 24-9-7-2; IC 28-1-1-3; IC 28-1-2-23; IC 28-1-5-2; IC 28-1-7-1; IC 28-1-7-4; IC 28-1-7-21; IC 28-1-7.1-8; IC 28-1-7.1-9; IC 28-1-8-0.7; IC 28-1-8-1; IC 28-1-8-2; IC 28-1-8-3; IC 28-1-8-5; IC 28-1-8-6; IC 28-1-11-1; IC 28-1-11-3.1; IC 28-1-11-4; IC 28-1-11-14; IC 28-1-13-1.5; IC 28-1-21.4-5; IC 28-1-21.4-5.1; IC 28-1-21.4-9; IC 28-1-21.6-5; IC 28-1-21.6-5.1; IC 28-1-21.6-8; IC 28-1-21.6-9; IC 28-1-21.7-5; IC 28-1-21.7-5.1; IC 28-1-21.7-8; IC 28-1-21.7-9; IC 28-1-21.8-3; IC 28-1-21.8-3.1; IC 28-1-21.8-9; IC 28-1-21.9-5; IC 28-1-21.9-5.1; IC 28-1-21.9-9; IC 28-1-29-4; IC 28-1-29-7.7; IC 28-1-29-8; IC 28-1-29-8.3; IC 28-1-29-9; IC 28-2-13-26; IC 28-2-14-2; IC 28-2-16-2; IC 28-2-17-5; IC 28-2-18-6; IC 28-6.1-1-2; IC 28-6.1-2-2.4; IC 28-6.1-2-2.5; IC 28-6.1-6-14; IC 28-6.1-7-11; IC 28-6.1-9-5; IC 28-6.1-9-13; IC 28-6.1-10-6; IC 28-6.1-12-2; IC 28-6.2-1-12; IC 28-6.2-2-1.5; IC 28-7-1-9; IC 28-7-1-17; IC 28-7-1-39; IC 28-7-5-13; IC 28-7-5-14; IC 28-7-5-16; IC 28-7-5-30; IC 28-8-4-41; IC 28-8-4-42; IC 28-8-4-48; IC 28-8-4-49; IC 28-8-5-14; IC 28-8-5-19; IC 28-8-5-22; IC 28-10-1-1; IC 28-11-1-9.1; IC 28-11-5-10; IC 28-14-3-22; IC 28-15-1-9.8; IC 28-15-2-1; IC 28-15-6-1; IC 28-15-11-4; IC 28-15-11-7; IC 28-15-11-17; IC 28-15-11-18; IC 28-15-13-1; IC 28-15-14-1; IC 28-15-14-4

HEA 1239 makes various changes to the laws concerning:

- financial institutions;
- debt management companies;
- pawnbrokers;
- money transmitters;
- check cashers;
- persons licensed under the Uniform Consumer Credit Code;
- first lien mortgage lenders; and
- rental purchase agreements.

The act repeals the definition of "office of thrift supervision" in the statutes governing the charter conversion of a:

- building and loan association to a stock building and loan association;
- mutual or stock savings association to a commercial bank;
- mutual savings association to a mutual savings bank;
- mutual or stock savings association to a stock savings bank; and
- mutual savings bank to a stock savings bank.

The act also changes the statute governing savings banks to repeal the definitions of "community based economic development" and "community development corporation" and to recodify the definitions in another provision of the statute. It also repeals a provision that requires a savings bank to maintain 60 percent of its assets in certain qualified investments under the Internal Revenue Code. The act repeals a provision that concerns the effect of a revocation, suspension, or surrender of a pawnbroker license on existing pawnbroker contracts, and is incorporated into another provision of this act. (RC# 253; 3<sup>rd</sup> Rdg; 49-0)

## **HEA 1294 VARIOUS SECURITIES DIVISION MATTERS**

**Author(s): HEATON, BURTON**

**Sponsor(s): SMITH**

**Citations Affected: IC 23-2-5-3; IC 23-19-4-12; IC 23-19-6-1; IC 23-19-6-12;  
IC 23-19-7; IC 23-20-1-26; IC 25-11-1-3; IC 25-11-1-5; IC 4-5-1-2**

**HEA 1294** deals with various Securities Division matters and makes the following changes:

- Provides that, in addition to micrographically copying certain documents that the Secretary of State is charged with preserving, the Secretary of State may copy those documents by an equivalent method;
- Amends the definition of "residential mortgage loan" for purposes of the statute concerning the regulation of loan brokers and adds the definition of "residential real estate" to that statute;
- Allows the Securities Commissioner to take certain actions and impose certain penalties with respect to an individual who is registered as, or who applies to register as, an agent for a securities broker-dealer or as an investment adviser representative if the individual has failed to comply with a child support order;
- Repeals a provision that allows the Commissioner to award up to 10 percent of a penalty imposed and recovered under the Indiana Uniform Securities Act to a person who provides information leading to the imposition of the penalty;
- Provides that the Commissioner may provide an award, in an amount determined by the Commissioner and paid from the Securities Restitution Fund, to an informant who provides to the Securities Division of the Office of the Secretary of State original information concerning a violation of the act, if the information provided leads to the successful enforcement of a judicial or an administrative action concerning the violation;
- Provides that the total amount of awards in any proceeding may not exceed 10 percent of the total monetary sanctions imposed or ordered;
- Sets forth certain factors that the Commissioner must consider in determining the amount of an award; and
- Prohibits the Commissioner from providing an award to an informant in certain circumstances.

The act also amends the statute concerning the licensing of collection agencies by the Secretary of State to:

- Allow the Secretary of State to designate a multistate automated licensing system and repository to serve as the sole entity responsible for processing applications for licenses and license renewals; and

- Provide that a license expires on the last day of the calendar year in which the license was issued (instead of expiring on the last day of the calendar year after the year in which the license was issued, as provided for in current law). (RC# 294; 3<sup>rd</sup> Rdg; 47-3)

#### **SEA 111 GROUP PERSONAL EXCESS AND UMBRELLA INSURANCE**

**Author(s):** HOLDMAN, ECKERTY, SIMPSON

**Sponsor(s):** TORR

**Citations Affected:** IC 27-1-41; IC 2-5-33.3-2

SEA 111 provides for and specifies requirements for insurer issuance of group personal excess and umbrella liability insurance to group members. The act requires the Interim Study Committee on Insurance to study the effect of the provision on the liability insurance market during the 2016 interim. (RC# 257; Concurrence; 50-0)

#### **SEA 148 PORTABLE ELECTRONICS INSURANCE**

**Author(s):** HOLDMAN, SIMPSON

**Sponsor(s):** HEATON

**Citations Affected:** IC 27-1-15.6-18; IC 27-1-15.9; IC 27-1-15.6-4

SEA 148 specifies requirements related to insurance covering portable electronic devices, including limited lines producer licensing for vendors of the devices to sell, solicit, or negotiate the insurance. (RC# 44; 3<sup>rd</sup> Rdg; 50-0)

#### **SEA 271 SECURITY DEPOSITS AND MOTOR VEHICLE LIENS**

**Author(s):** TALLIAN, BRAY, HOLDMAN

**Sponsor(s):** FOLEY

**Citations Affected:** IC 32-31-3-13.5

SEA 271 prohibits a landlord from requiring a lien on a motor vehicle that is owned by a tenant as a security deposit or to secure the payment of rent by the tenant. The act provides that, if a landlord accepts a lien on a motor vehicle as a security deposit, the landlord must file or record the lien and comply with requirements concerning security deposits to enforce the lien. (RC# 86; 3<sup>rd</sup> Rdg; 50-0)

#### **SEA 298 MORTGAGES AND LIENS ON REAL PROPERTY**

**Author(s):** ZAKAS, STEELE, LANANE, HOLDMAN, BRODEN

**Sponsor(s):** SPEEDY

**Citations Affected:** IC 32-28-4-2; IC 32-28-4-3; IC 32-29-7-13; IC 32-29-8-2; IC 32-29-8-3; IC 32-29-8-4; IC 32-28-4-1

SEA 298 provides for the following:

- Removes a provision specifying that a mortgage or vendor's lien that was created before September 1, 1982, on real estate in Indiana expires 20 years after the last installment of the secured debt is due.
- Provides that if a mortgage or vendor's lien does not show the due date of the last installment, the mortgage or lien expires 10 years (instead of 20 years under current law) after the date of execution of the mortgage or lien.
- Provides that if:
  - the record of the mortgage or lien does not show the due date of the last installment;
  - and

- the execution date is omitted from the mortgage or lien; the mortgage or lien expires 10 years (instead of 20 years under current law) after the mortgage or lien is recorded.
- Makes exceptions to the expiration period if a foreclosure action is brought or maintained not later than the expiration period.
- Makes corresponding changes in the provision that allows the mortgagee or lien-holder to file an affidavit stating when the debt becomes due.
- Provides that at any time after a judgment and decree of sale is entered in an action to foreclose a mortgage on an interest in real property in Indiana, an interested person or an omitted party may bring a civil action concerning an omitted party's interest in the property.
- Provides that upon the filing of such an action, the court shall determine the extent of the omitted party's interest and issue a decree terminating that interest, subject to the right of the omitted party to redeem the property if the omitted party would have had redemption rights under existing law.
- Sets forth factors that the court must consider in determining the terms of redemption.
- Provides for the amount to be paid for redemption and the time allowed for payment. It also provides that:
  - the senior lien on which the foreclosure action was based is not extinguished by merger with the title to the property conveyed to a purchaser at the judicial sale until the interest of any omitted party has been terminated; and
  - until an omitted party's interest is terminated, the purchaser at the judicial sale is the equitable owner of the senior lien.
- Provides that an interested person's rights under the new provisions may not be denied because of certain acts or omissions by the interested person. It also makes technical changes. (RC# 330; CC1; 50-0)

## **Judiciary**

### **HEA 1009 TECHNICAL CORRECTIONS**

**Author(s): FOLEY, MCMILLIN, BARTLETT**

**Sponsor(s): M.YOUNG, BANKS, ARNOLD, TAYLOR**

**Citations Affected: Numerous citations throughout the Indiana Code**

HEA 1009 resolves technical conflicts between differing 2011 amendments to Indiana Code sections and other technical problems in the Indiana Code, including incorrect statutory references, nonstandard tabulation, grammatical problems, and misspellings. The act also repeals provisions made obsolete by the 2011 changes in the state civil service system laws. (RC# 193; 3<sup>rd</sup> Rdg; 50-0)

### **HEA 1049 COURTS, INSPECTOR GENERAL & PRO BONO LEGAL SERVICES FEES**

**Author(s): KOCH**

**Sponsor(s): BRAY, STEELE, LANANE**

**Citations Affected: IC 4-2-7-6; IC 34-24-2; IC 4-2-6-12; IC 4-6-3-2**



HEA 1049 provides for the following:

- The cap on the fees for program services provided to a person participating in a court established alcohol and drug services program does not apply to fees for education or treatment and rehabilitation services.
- A person may participate in a problem solving court program as a condition of an informal adjustment program in a child in need of services proceeding.
- The act eliminates an individual's agreement to the conditions of participation in the program if the case for which the individual is referred to the problem solving court involves a non-suspendible sentence as a precondition to the placement of the individual in a problem solving court program.
- The act authorizes the Inspector General to directly institute civil proceedings against persons who have failed to pay civil penalties imposed by the state ethics commission.
- The State Board of Accounts must provide to the Inspector General (in addition to the Attorney General) copies of certain reports concerning:
  - malfeasance, misfeasance, or nonfeasance in office by public officials or employees;
  - fraud or misconduct with respect to public contracts; or
  - unlawful expenditure or diversion of public money.
- The act imposes, until July 1, 2017, a pro bono legal services fee of \$1 on parties who file certain civil actions, small claims actions, and probate actions.
- The pro bono legal services fees must be transferred to the Indiana Bar Foundation as the entity designated by the Indiana Supreme Court to organize and administer the interest on lawyers trust accounts (IOLTA) program.
- The Indiana Bar Foundation must:
  - deposit in an appropriate account and otherwise manage the fees the foundation receives in the same manner it deposits and manages the net earnings the foundation receives from IOLTA accounts; and
  - use the fees the foundation receives to assist or establish approved pro bono legal services programs.
- The handling and expenditure of the pro bono legal services fees received by the Indiana Bar Foundation are subject to audit by the State Board of Accounts.
- The act changes the definition of "family or household member" to include a person who adopts a child of the other person. (RC#355; CCR#1; 46-3)

## **HEA 1065 MILITARY CUSTODY & PARENTING TIME MATTERS**

**Author(s): BORDERS, NOE, YARDE**

**Sponsor(s): WATERMAN, TOMES, ECKERTY**

**Citations Affected: IC 31-14-13-6.1; IC 31-14-13-6.2; IC 31-17-2-21.1;  
IC 31-17-2-21.2**

HEA 1065 requires a court, upon motion by a parent who has received military temporary duty, deployment, or mobilization orders to hold an expedited hearing to determine or modify custody or parenting time, and to allow, with reasonable notice, a parent to present testimony and evidence by certain electronic means in a custody or parenting time proceeding, if the military duties of a parent have a material effect on the parent's ability to appear in person at a regularly scheduled hearing concerning custody or parenting time. A court may, upon motion by a parent who has received military deployment orders, to delegate the parent's parenting time, or a part of the parent's parenting time, during the time that the parent is deployed to a person who has a

close and substantial relationship with the parent's child, if the court determines delegating the time is in the best interests of the child. An order delegating parenting time automatically terminates after the parent returns from deployment. The court may terminate an order delegating parenting time if the court determines that the delegated parenting time is no longer in the best interests of the child. (RC# 195; 3<sup>rd</sup> Rdg; 50-0)

#### **HEA 1091 AGRICULTURAL OPERATIONS**

**Author(s): FRIEND, LEHE**

**Sponsor(s): STEELE, LEISING, BRODEN**

**Citations Affected: IC 32-30; IC 35-50-5-3; IC 5-2-6.1; IC 16-10-1.5;  
IC 5-2-6.1-40**

HEA 1091 addresses nuisance actions brought against agricultural operations. (*For further information, please refer to the section on Agriculture and Natural Resources.*)

#### **HEA 1238 FUNDING OF ABANDONMENT FOR MORTGAGED PROPERTY**

**Author(s): BURTON, CLERE, RIECKEN**

**Sponsor(s): HOLDMAN, BRODEN, TALLIAN**

**Citations Affected: IC 32-29-7-3; IC 36-7-9-2; IC 32-30-10.6;  
IC 33-32-3-2; IC 36-7-36-9**

HEA 1238 provides a procedure that allows a creditor in a mortgage or an enforcement authority with jurisdiction in the location of the mortgaged property to petition the court having jurisdiction over an existing mortgage foreclosure action to find that the mortgaged property is abandoned. Upon receiving a petition for a determination of abandonment, the court shall issue an order to show cause as to why the property should not be found to be abandoned and to direct the appropriate parties to appear before the court on a date and time specified in the order. A party subject to the order has the right to present oral or written evidence or objections on the issue of abandonment to the court, and be represented by an attorney when appearing before the court. Certain specified conditions existing with respect to the mortgaged property constitute prima facie evidence that the property is abandoned. The debtor's failure to either present written evidence or objections on the issue of abandonment before the appearance date or appear before the court on the appearance date, constitutes prima facie evidence that the property is abandoned. (RC# 239; 3<sup>rd</sup> Rdg; 49-0)

#### **HEA 1258 VARIOUS ESTATE ADMINISTRATIVE MATTERS**

**Author(s): FOLEY, MCMILLIN, DELANEY**

**Sponsor(s): ZAKAS, GLICK, BRODEN**

**Citations Affected: IC 6-4.1-1-3.5; IC 6-4.1-2-8; IC 12-15-9-0.5;  
IC 12-15-9-1; IC 29-1-14-9; IC 12-15-9-5**

HEA 1258 specifies that an individual holding a beneficial or ownership interest in an entity is considered the transferee when a transferor makes a transfer subject to the inheritance tax to the entity. The individual is liable for the same percentage of the inheritance tax as the individual's percentage of beneficial or ownership interest in the entity. The act authorizes foreign wills to be probated after the expiration of the probate deadlines for the same limited purposes for which Indiana wills may be probated after the deadlines. Costs of administration include the fee of a surrogate attorney for purposes of determining the priority of claims when an estate's resources are insufficient to pay all claims. Amendments to the trust code apply to trusts created prior to

the effective date of the amendment unless certain adverse events would occur because of the application of the amendment. Amendments to the transfer on death (TOD) statute apply to TOD transfers created before the effective date of the amendment. A testamentary trust receiving a TOD transfer is considered to have been in existence as of the owner's death if the owner's last will and testament is admitted to probate. The practice of law by a person who is not an attorney is considered racketeering activity for purposes of the law concerning racketeer influenced and corrupt organizations. A personality does not have rights of publicity if the personality has commercial value solely because the personality has been charged with or convicted of a crime.

HEA 1258 further provides:

- That a deceased personality's rights of publicity apply to the personality whether the personality died before, on, or after July 1, 1994 (the original effective date of the rights of publicity law);
- If the personality died before July 1, 1994, the deceased personality's rights of publicity are considered to have existed on and after the date the personality died;
- A claim for a violation of a personality's right of publicity may not be asserted unless the alleged act or event of violation occurs within Indiana; and
- A claim for a violation of the personality's right of publicity may not be asserted under this chapter unless the alleged act or event of violation occurs after June 30, 1994. (RC# 357; CCR#1; 38-11)

#### **HEA 1273 AMINISTRATIVE LAW JUDGE STUDY**

**Author(s): STEUERWALD, KOCH, DELANEY, DVORAK**

**Sponsor(s): BRAY, LAWSON, RANDOLPH, BRODEN**

**Citations Affected: NONCODE**

HEA 1273 requests the Legislative Council to study, during the 2012 legislative interim, the topic of creating a centralized department of administrative law judges within the Office of the Attorney General. (RC# 231; 3<sup>rd</sup> Rdg; 50-0)

#### **SEA 26 ORGANIZES DEFINITIONS IN TITLE 35**

**Author(s): BRAY, HUME, RANDOLPH**

**Sponsor(s): FOLEY, PIERCE**

**Citations Affected: IC 1-1-4-5; IC 16-18-2-295; IC 1-1-3.5-3; IC 35-41-1**

SEA 26 organizes definitions in Title 35 and makes technical corrections. (RC# 328; CCR#1; 49-0)

#### **SEA 32 GUARDIANSHIPS**

**Author(s): BRAY, RANDOLPH, BRODEN**

**Sponsor(s): FOLEY**

**Citations Affected: IC 29-3-12-1; IC 31-9-2-17.8; IC 30-2-8.5;  
IC 29-1-8-1; IC 29-2-1-2; IC 29-3-12-6**

SEA 32 allows a minor who has not been adjudicated an incapacitated person and the minor's guardian to jointly petition the court to extend the guardianship beyond the date the minor attains 18 years of age. The act authorizes the court to extend the guardianship, but not beyond the date on which the protected person attains 22 years of age, if the court finds that extending the

guardianship is in the best interests of the protected person. The extension of the guardianship does not place the person under a legal disability. (RC# 329; CCR#1; 49-0)

**SEA 114 DRIVING WHILE SUSPENDED**

**Author(s): BRAY, RANDOLPH**

**Sponsor(s): STEUERWALD**

**Citations Affected: IC 9-24-19-2; IC 9-1-4-52; IC 9-24-18-5**

SEA 114 makes a technical correction concerning calculating the ten year recidivism period under the driving while suspended statute. (RC# 61; 3<sup>rd</sup> Rdg; 50-0)

**SEA 152 ALLEN CIRCUIT COURT**

**Author(s): KRUSE, WYSS, HUME**

**Sponsor(s): POND**

**Citations Affected: IC 33-33-2-4; IC 33-33-2-3**

SEA 152 allows the judge of the Allen Circuit Court to appoint a second full-time magistrate. It repeals the judge's authority to appoint a hearing officer who has the powers of a magistrate, and whose salary is paid by Allen County. The act's provisions are effective July 1, 2013. (RC#113; 3<sup>rd</sup> Rdg; 50-0)

**SEA 156 PARTITION**

**Author(s): STEELE, CHARBONNEAU, RANDOLPH, LANANE, BRAY**

**Sponsor(s): KOCH, FOLEY**

**Citations Affected: IC 29-1-17-11; IC 32-17-4-2.5; IC 32-17-4-2**

SEA 156 establishes a new procedure for partitioning real and personal property that: (1) requires a court to refer the matter to mediation; and (2) requires the court to order that the property be sold using a method the parties agree upon, or if the parties are not able to reach an agreement, at auction. (RC# 311; Concurrence; 48-0)

**SEA 176 COURTS AND COURT OFFICERS**

**Author(s): M. YOUNG, BRAY, LANANE, RANDOLPH**

**Sponsor(s): FOLEY**

**Citations Affected: IC 12-26-4-1.5; IC 12-26-4-9**

SEA 176 permits a court to order an individual to be transported to an appropriate facility for a preliminary medical and psychological evaluation if the court has reasonable grounds to believe that the individual has a mental illness, is dangerous, and is in immediate need of hospitalization and treatment. The individual may not be transported to a state institution. The costs of transportation and care must be paid by the county if there were not reasonable grounds to believe that the individual had a mental illness and was dangerous. (RC# 324; CCR#1; 48-1)

**SEA 190 STUDY TERMINATING PARENTING RIGHTS**

**Author(s): CHARBONNEAU, BRAY, RANDOLPH**

**Sponsor(s): KUBACKI, ELLSPERMANN**

**Citations Affected: IC 33-24-11-1; IC 31-9; IC 31-17; IC 31-35**

SEA 190 urges the Legislative Council to assign to the Indiana Child Custody and Support Advisory Committee the task of studying the termination of parenting rights of an individual

with a child who was conceived as a result of an act of rape by the individual. (RC# 341; CCR#1; 50-0)

#### **SEA 237 NONCODE STATUS**

**Author(s): M. YOUNG, ARNOLD, BANKS, TAYLOR**

**Sponsor(s): FOLEY**

**Citations Affected: Numerous citations throughout the Indiana Code**

SEA 237 does the following:

- Adds expiration dates to temporary noncode provisions regarding members of the Indiana Education Employment Relations Board and a report by the Budget Agency for the annual projected growth in appropriated dollars for several programs.
- Codifies a statute concerning the interpretation of the emergency administrative rules law, a severability clause and instructions for amendments concerning school scholarships.
- Repeals
  - an allocation provision under the Department of Commerce;
  - a provision that excluded transactions before July 1, 1988, from certain disclosure requirements;
  - a provision that excluded sales, leases, transfers, or replacements before February 29, 1988, from certain laws regarding motor vehicle protection;
  - a provision that provided instruction regarding amounts of state tuition support in 2010 and 2011;
  - a provision that provided instruction regarding the placement of the public question regarding property taxes on the 2010 general election ballot, and
  - certain noncode provisions that are codified. (RC# 130; CCR#1; 50-0)

#### **SEA 246 LAB TECHNICIAN TESTIMONY IN CRIMINAL CASES**

**Author(s): BRAY, ZAKAS, STEELE, RANDOLPH**

**Sponsor(s): FOLEY, KOCH**

**Citations Affected: IC 35-36-11**

SEA 246 requires a prosecuting attorney who intends to introduce a laboratory report into evidence to file a notice of intent at least 20 days before the trial, and requires a defendant who wishes to cross-examine the technician who prepared the laboratory report to file a pretrial demand for cross-examination not later than ten days after receiving the notice from the prosecutor. The act prohibits a prosecuting attorney who fails to comply with the notice requirement from introducing a laboratory report into evidence without the testimony of the person who prepares the report, and provides that a defendant who does not comply with the demand requirement waives the right to confront and cross-examine the person who prepared the laboratory report. (RC# 131; 3<sup>rd</sup> Rdg; 48-0)

#### **SEA 249 RECORD OF MARRIAGE**

**Author(s): ALTING**

**Sponsor(s): TRUITT, KLINKER**

**Citations Affected: IC 31-11-4-18; IC 37-7-3-15.5**

SEA 249 provides that a clerk of a Circuit Court: (1) may forward a record of marriage to the state Department of Health in a paper form or in an electronic form by using an automated system developed by the judicial technology and automation project or another automated

system approved by the state Department of Health; and (2) who forwards a record of marriage to the state Department of Health in an electronic form is not required to forward the record of marriage to the state Department of Health in a paper form. (RC# 69; 3<sup>rd</sup> Rdg; 50-0)

#### **SEA 274 IMMUNITY OF CERTAIN ALCOHOL OFFENSES**

**Author(s): MERRITT, HEAD, SIMPSON, HERSHMAN, TAYLOR, LANANE**

**Sponsor(s): MCMILLIN, TRUITT, DELANEY, FOLEY**

**Citations Affected: IC 7.1-1-3-19.7; IC 7.1-5-1-6.5; IC 35-41-1-17;  
IC 7.1-5-1-3; IC 35-48-1-9; IC 7.1-5-7-7; IC 9-24-18-12**

SEA 274 includes the following provisions:

- Prohibits a law enforcement officer from taking a person into custody for a crime of public intoxication or minor possession, consumption, or transportation of an alcoholic beverage if the officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:
  - the officer has contact with the person because the person requested emergency medical assistance, or acted in concert with another person who requested emergency medical assistance, for an individual who reasonably appeared in need of medical assistance due to alcohol consumption; and
  - the person meets other requirements.
- A person may not bring an action against a law enforcement officer based on the officer's compliance with or failure to comply with this prohibition.
- A person meeting these conditions is immune from criminal prosecution for public intoxication or minor possession, consumption, or transportation of an alcoholic beverage. (RC# 305; Concurrence; 47-0)

#### **SEA 286 DEPARTMENT OF CHILD SERVICES**

**Author(s): LAWSON, BRAY, LANANE, RANDOLPH, GROOMS**

**Sponsor(s): MCNAMARA, NOE, KLINKER**

**Citations Affected: IC 4-13; IC 4-22; IC 5-2; IC 10-13; IC 29-3; IC 31-9;  
IC 31-25; IC 31-27; IC 31-28; IC 31-30; IC 31-33; IC 31-34; IC 31-35;  
IC 31-37; IC 31-40; noncode**

SEA 286 provides for the following:

- Requires the Department of Child Services to conduct a criminal history check of certain individuals before reunification of a child with the child's parent, guardian, or custodian.
- An audio recording of a telephone call to the child abuse hotline is confidential and may be released only upon court order.
- An audio record of a report of child abuse or neglect that is the subject of a complaint made to a prosecuting attorney shall be released to the prosecuting attorney upon request of the prosecuting attorney.
- The department may consider the results of a criminal history check in deciding if a child can be reunified with the child's parent, guardian, or custodian.
- A court must order a guardian to provide financial assistance to support a protected person if the department is going to provide financial assistance to a guardian for the benefit of the protected person.
- The department must establish a residential placement committee and a permanency roundtable to review certain placements of children.



- A person filing a petition must terminate parental rights to request a hearing on the petition.
- If a hearing regarding a petition to terminate parental rights is not commenced or held within a certain time, the court shall dismiss the petition.
- A court may appoint a court appointed special advocate or guardian ad litem only if the person has training appropriate for that role.
- The act changes the number of days for which the department may grant a waiver for the maximum stay for a child if the child caring institution or group home caring for the child is a licensed shelter care facility.
- Operators of therapeutic foster homes are certified and not licensed.
- The department may make certain reports and material available to the state superintendent of public instruction.
- The results of an administrative hearing regarding an investigation into child abuse or neglect shall be forwarded to the Department of Education in certain circumstances.
- A person may operate a foster family home for a related person without a license.
- The act changes the law regarding:
  - the disclosure of certain reports regarding the fatality or near fatality of a child;
  - the expungement of reports of child abuse and neglect; and
  - the requirements of a motion to dismiss a petition to terminate parental rights.
- Certain administrative hearings may be stayed pending a decision to prosecute the case.
- The act expands the applicability of a chapter concerning child videotape testimony in child in need of services (CHINS) proceedings.
- A court must hold an initial hearing regarding a child alleged to be a CHINS within 10 days of the filing of the petition.
- The act provides additional circumstances establishing prima facie evidence that there is a reasonable probability that:
  - the conditions that resulted in the removal of a child from a parent will not be remedied; or
  - the continuation of the parent-child relationship poses a threat to the well-being of a child.
- The department must prepare annually a report of all child fatalities in Indiana that are the result of child abuse or neglect.
- An alleged victim of a child sex crime may submit an application for assistance for victims of violent crime until the victim become 31 years of age.
- An alleged victim of a battery upon a child may submit an application for assistance for victims of violent crime not later than five years after the commission of the offense.
- The Department of Child Services Ombudsman shall employ at least two full time employees to assist the Ombudsman.
- The act creates the Interim Study Committee on Underserved Youth with Mental Health issues which is required to study:
  - whether prosecuting attorneys should be allowed to file certain CHINS petitions; and
  - the unmet mental health needs of children within the juvenile justice system.
- The act also creates the Department of Child Services Interim Study Committee to:
  - study and review the progress and improvements made by the department;
  - review best practices concerning child welfare, child mental health, and delinquent children;

- receive and review status reports from the Department of Child Services Ombudsman;
- review and study the department's child services child abuse and neglect hotline; and
- make legislative recommendations. (RC# 315; Concurrence; 46-1)

## **SEA 287 DEPARTMENT OF CHILD SERVICES**

**Author(s): LAWSON, BRAY, LANANE, RANDOLPH**

**Sponsor(s): NOE, MCNAMARA**

**Citations Affected: IC 4-1-10-5; IC 5-10-1.1; IC 5-14-3-4; IC 4-13-19-5**

SEA 287 includes the following provisions:

- Makes conforming changes to the interstate compact for the placement of children.
- The act adds Title IV-D of the Social Security Act to the list of programs to which an agency may disclose a Social Security number.
- The act removes a requirement that a local child protection team shall assist the Department of Child Services Ombudsman with redacting or reviewing certain reports.
- The act removes a duty of the Division of Family Services to administer preservation services to high risk youth.
- The act removes language regarding deposits by the Family and Social Services Administration into the child welfare services account.
- The act removes language requiring the Department of Child Services to prepare and submit information to the state Board of Accounts.
- The act makes statutes consistent regarding the age of a child that a person may give up under the safe haven statute.
- The Department of Child Services has authority to redirect a payment to the appropriate government agency when there is an assignment under Title IV-A or IV-E.
- The act makes changes to background check statutes to be consistent with federal law.
- The Department of Child Services must consult with the Division of Family Resources regarding the adoption of rules concerning child caring institutions and group homes that are licensed for infants and toddlers.
- The act removes certain facilities that may be licensed as a secure private facility.
- The act removes the requirement that the Department of Child Services must purchase one computer for every two case managers.
- Certain Title IV-D fees may be set according to rules adopted by the Department of Child Services.
- A corrective action for emergency protection of children includes a hold on new placements.
- The Department of Child Services must advise a parent who is voluntarily relinquishing parental rights that the parent's consent may not be based upon a promise regarding the child's adoption or contact of any type with the child after the parent voluntarily relinquishes parental rights.
- The Department of Child Services must require a consumer report on certain children in state foster care.
- A court must enter findings of fact that support the entry of its conclusions granting a termination of parental rights.

- The act repeals the county child advocacy fund, repeals language requiring the Department of Child Services and Probation Department to make progress reports on certain children, and repeals language regarding destitute children. (RC#316; Concurrence; 46-0)

## **SEA 402 INDIANA UNIFORM LAW COMMISSION**

**Author(s): SIMPSON, BRAY, RANDOLPH**

**Sponsor(s): FOLEY**

**Citations Affected: IC 2-5-35**

SEA 402 specifies the membership of the Indiana Uniform Law Commission, which is the Indiana delegation of the National Conference of Commissioners on Uniform State Laws (NCCUSL). The commission is to work with the NCCUSL to research, draft, and promote the enactment of uniform state laws in areas of state law where uniformity is desirable and practical. The act provides for the reimbursement of expenses incurred by commission members in attending the annual meeting of the NCCUSL. (RC# 317; Concurrence; 47-0)

## **Local Government**

### **HEA 1005 NEPOTISM; CONFLICT OF INTEREST**

**Author(s): MAHAN, BOSMA, DOBIS, WESCO, BACON, BAIRD, BEHNING, BORDERS, C. BROWN, T. BROWN, BURTON, CANDELARIA REARDON, CHEATHAM, CHERRY, CLERE, CROUCH, CULVER, DAVIS, DAVISSON, ESPICH, FOLEY, FRIEND, FRIZZELL, GUTWEIN, HARRIS, HEATON, HEUER, HINKLE, KARICKHOFF, KLINKER, KNOLLMAN, KUBACKI, LEHE, LEHMAN, LEONARD, MCMILLIN, MCNAMARA, MESSMER, MORRIS, NOE, RIECKEN, M. SMITH, SOLIDAY, SPEEDY, STEMLER, STEUERWALD, SULLIVAN, TORR, TRUITT, TURNER, UBELHOR, VANNATTER, WELCH, WOLKINS, YARDE**

**Sponsor(s): LAWSON, HOLDMAN**

**Citations Affected: IC 5-11-13-1.1; IC 25-1-5-3.5; IC 25-1-6-3.5; IC 33-42-2-7; IC 36-1-8-10.5; IC 36-1-20.2; IC 36-1-21; IC 36-4-4-2; IC 36-8-3-12; IC 36-8-5-2; IC 36-8-10-11**

HEA 1005 specifies that the public notaries or members on a board administered by the Professional Licensing Agency are not lucrative offices and makes other provisions concerning office holder and nepotism within local government. The act includes the following provisions:

- An employee of a county, city, town, or township (unit) is considered to have resigned from employment with the unit if the employee assumes the elected executive office of the unit or becomes an elected member of the unit's legislative or fiscal body.
- A full-time paid firefighter or a volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of a unit that receives fire protection services from the department in which the firefighter serves. The act specifies that the restriction does not prevent an elected officer from serving on a board, commission, or committee of the unit and does not prohibit an employee (including a full-time paid firefighter) or a volunteer firefighter from holding an elected office of another unit.

- Allows an employee (including a full-time paid firefighter) or a volunteer firefighter who assumes or holds an elected office on January 1, 2013, to continue to hold the office and be employed by the unit or serve as a volunteer firefighter until the expiration of the term of office.
- Provides that relatives may not be employed by a unit in positions resulting in one relative being in the direct line of supervision of the other relative.
- An individual who is employed by a unit on July 1, 2012, is not subject to the provisions regarding nepotism unless the individual has a break in employment with the unit.
- For purposes of the nepotism law, the performance of the duties of a precinct election officer or a volunteer firefighter is not considered employment by a unit.
- Provides that an individual, who is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit, may remain employed by the unit and maintain the individual's position or rank even if the individual would be in the direct line of supervision of the individual's relative. In addition, the individual may not be promoted to a position or, in the case of an individual who is a member of a merit police department or merit fire department, promoted to a position that is not within the merit ranks, if the new position would place the individual in the direct line of supervision of the individual's relative.
- Makes the following additional exceptions:
  - Allows a township trustee whose office is located in the trustee's personal residence to employ only one relative to work in the township trustee's office and be in the trustee's line of supervision.
  - Allows a coroner, who is ineligible for another term of office due to term limits, to be hired by the coroner's successor, even though the successor is a relative and will result in the coroner working in the successor's direct line of supervision.
  - Allows a sheriff to hire the sheriff's spouse as prison matron for the county and work in the sheriff's direct line of supervision. The bill limits the total compensation of the township trustee's employed relative to \$5,000 per year.
- Provides that provisions concerning nepotism apply to a person who is a party to an employment contract with a unit.
- Requires a unit to implement a policy under the nepotism and contracting provisions and allows a unit to implement a policy that is more stringent and detailed.
- Requires each elected official of the unit to annually certify in writing, subject to the penalties for perjury, that the official is in compliance with the nepotism and contracting law and to submit the certification to the executive of the local unit. The act requires the executive of the local unit to file with the annual personnel report filed with the State Board of Accounts a statement regarding whether the unit has implemented a policy under the nepotism law and contracting provisions.
- Provides that a unit can enter into or renew a contract for the procurement of goods and services; or a contract for public works with a relative of an elected official or a business entity in which a relative has an ownership interest if the elected official does not violate the criminal conflict of interest statute and the elected official makes full, written disclosure and satisfies any other requirements of the public purchasing law or the public works law.
- Certain sections of the act become effective July 1, 2012; other sections January 1, 2013. (RC#246; 3<sup>rd</sup> Rdg; 30-19)

## **HEA 1249 LAND BANKS AND TAX SALES PROCESS**

**Author(s): CLERE, BURTON, RIECKEN, DAY**

**Sponsor(s): MERRITT, HOLDMAN, BREAUX**

**Citations Affected: None**

HEA 1249 makes recommendations to the Legislative Council to assign to an existing study committee, for review during the 2012 interim, the following topics:

- Land banks.
- Indiana's tax sales process.

If assigned to a study committee, the act requires the committee to study:

- the use and effectiveness of Indiana's current land bank statute;
- issues relating to creation of land banks at the municipal level, as opposed to the county level;
- the implications that land banks would have for Indiana's current tax sale process;
- the effect of Indiana's current tax sale process on the disposition of vacant and abandoned property;
- the effect that creation of municipal land banks would have for local revenues;
- land bank issues unique to Marion County;
- reducing the amount of time needed to complete the tax sales process; and
- other issues related to land banks and the tax sales process.

The act becomes effective July 1, 2012. (RC# 289; 3<sup>rd</sup> Rdg; 50-0)

## **HEA 1283 LIBRARIES AND HISTORIC MATTERS**

**Author(s): RICHARDSON, PIERCE, SAUNDERS**

**Sponsor(s): GARD, SIMPSON**

**Citations Affected: IC 4-23-7-2; IC 4-23-7-3.2; IC 4-23-7-5; IC 4-23-7-30;  
IC 4-23 7.1-1; IC 4-23-7.1-11; IC 4-23-7.1-32; IC 4-23-7.1-33; IC 4-23-7.1-38;  
IC 4-23-7.1-39; IC 4-23-7.1-39.1; IC 4-23-7.2-10; IC 4-23-7.2-11; IC 4-23-7.2  
12; IC 5-15-5.1-1; IC 5-15-5.1-5; IC 5-15-6-2.5; IC 36-12-1-8; IC 36-12-2-5.5;  
IC 36-12-2-23; IC 36-12-2-25; IC 36-12-3-5; IC 36-12-3-16; IC 36-12-4-5;  
IC 36-12-5-1; IC 36-12-5-2; IC 36-12-5-3; IC 36-12-5-5; IC 36-12-5-6;  
IC 36-12-7-3; IC 36-12-8; IC 36-12-8.5; IC 36-12-9; IC 36-12-11-12; IC 36-12-  
11-13; IC 36-12-11-15; IC 36-12-11-16; IC 36-12-11-17; IC 36-12-11-18; IC  
36-12-11-19; IC 36-12-11-20**

HEA 1283 makes numerous provisions related to historical boards, public records and libraries. The act does the following:

- Designates the "Grouseland Rifle" as the official rifle of Indiana, and requires the duplication and sale of the rifle to be authorized by the Grouseland Foundation.
- Makes changes to the qualifications of certain members of the Library and Historical Board (L&HB). The act repeals laws authorizing the L&HB to apportion the duties of employees to work for various divisions. The act requires the L&HB to make policies, instead of rules, for the library department and its divisions.
- Repeals the Council on Library Automation.
- Repeals certain State Library employee qualifications.

- Requires the L&HB to establish policies, instead of rules for loans, fees for lost or damaged materials, and third party fees for certain copyright material.
- Restructures and renames the Indiana State Library Advisory Council as the State Library Advisory Council.
- Repeals the requirement that the Historical Bureau maintains and sells certain commemorative medallions and other items.
- Specifies that state format markers installed after 1945 and markers installed by the Indiana Civil War Centennial Commission are the property of the state.
- Requires that the Historical Bureau shall commemorate George Rogers Clark. (Current law requires that the memory of George Rogers Clark must be celebrated.)
- Adds electronic media to the definition of "record" for purposes of the public records law. The act requires the Public Records Commission (PRC) to coordinate the use of all scanning equipment in state government.
- Requires the County Commission of Public Records to implement retention schedules for use by local government officials as part of a records management program for local government public records not more than 30 days after adoption by the Oversight Committee on Public Records. (Current law requires the County Commission of Public Records to adopt retention schedules at the first meeting of the County Commission after the Commission receives the retention schedule.)
- Removes an application of prior statutes provision from Class 1 library law. The act provides that four members of a Class 1 library constitute a quorum. The act also provides that six members of a county contractual library board constitute a quorum. The act makes changes to the list of persons who may use and be issued library cards at a Class 1 library. The act allows Class 1 libraries to charge reduced fees to certain nonresident users of the library district. The act requires the disposal of personal property at a Class 1 library to comply with certain requirements.
- Repeals certain merger requirements for libraries located in consolidated cities.
- Makes certain changes to the procedure to expand Class 1 libraries.
- Makes changes to the list of persons who may use and be issued library cards at a Class 2 library. The act allows Class 2 libraries to charge reduced fees to certain nonresident users of the library district.
- Repeals laws concerning library service authorities.

The act becomes effective July 1, 2012. (RC# 232; 3<sup>rd</sup> Rdg; 48-2)

#### **SEA 107 DEADLINE FOR ADOPTION OF SALARY ORDINANCES**

**Author(s): ZAKAS, LAWSON, HUME, BRODEN, RANDOLPH**

**Sponsor(s): NEESE**

**Citations Affected: IC 36-8-3-3; IC 36-4-7-3**

SEA 107 requires a second or third class city to adopt a salary ordinance not later than November 1 (instead of September 30) for the ensuing budget year. The act becomes effective July 1, 2012. (RC# 322; CCR#1; 48-0)



**SEA 173 AIRPORT BOARDS****Author(s): LAWSON, M. YOUNG, BREAUX****Sponsor(s): SOLIDAY****Citations Affected: IC 8-22-2-18.5; IC 8-22-3-5; IC 8-22-3-19; IC 8-22-2-2**

SEA 173 establishes requirements for membership on a board of aviation commissioners or an airport authority board. It also provides that after a board of aviation commissioners or an airport authority board enters into a loan contract, the board may use funds received from state or federal grants to satisfy the repayment of part or the entire loan contract. The act becomes effective July 1, 2012. (RC#312; 3<sup>rd</sup> Rdg; 48-0)

**SEA 191 LOCAL GOVERNMENT INVESTMENTS****Author(s): CHARBONNEAU, ECKERTY, BUCK, HUME, TALLIAN****Sponsor(s): SOLIDAY****Citations Affected: IC 5-13-9-5.7; IC 5-13-9-5.6**

SEA 191 permits a political subdivision to authorize its investing officer to invest public funds for a maximum term of five years. It also requires the fiscal body of the political subdivision to approve a written investment policy and adopt an ordinance to provide this authority. It provides that the authority expires on the date of the expiration of the policy, which may not exceed four years. The act limits the amount that may be invested for more than two years to 25% of the political subdivision's total portfolio of public fund investments, including transaction accounts. Finally, the act changes population parameters to reflect the population count determined under the 2010 decennial census. The act becomes effective July 1, 2012. (RC# 19;3<sup>rd</sup> Rdg; 48-0)

**SEA 307 FIRE PROTECTION TERRITORIES****Author(s): HERSHMAN, KENLEY, HUME****Sponsor(s): VANNATTER****Citations Affected: IC 36-8-19-6**

SEA 307 makes permanent certain additional public hearing and information requirements that must be satisfied before the legislative body of a local unit can adopt an ordinance or a resolution to form a fire protection territory. (These additional requirements were enacted in P.L.172-2011, but under current law they are temporary and will expire on June 30, 2012.) The act specifies that the notice provision applies to the notice of the hearing at which public comment is received regarding a proposed ordinance or resolution. The act repeals the temporary provision.

Additionally, the act provides that the local Indiana business preference applies to a contract for a purchase made by a political subdivision only if the political subdivision provides that the preference is applicable to the purchase. It provides that the term "affected county" refers only to an Indiana county and authorizes the purchase of vehicles for community corrections programs from money in any of the following: a county cumulative building fund; a county, municipal, or township cumulative capital improvement fund; or as a result of cross references, a county or municipal cumulative capital development fund.

The act also repeals the local Indiana business preference for public works projects. The act becomes effective upon passage. (RC3# 149; 3<sup>rd</sup> Rdg; 50-0)

## **SEA 309 LOCAL PURCHASING AND PUBLIC WORKS PREFERENCES**

**Author(s): HERSHMAN, PAUL, HUME, R. YOUNG**

**Sponsor(s): GRUBB**

**Citations Affected: IC 36-1-12-4; IC 36-1-12-4.7 IC 36-1-12-5; IC 36-1-12-22; IC 36-9-15-2; IC 36-9-16-3; IC 5-22-15-20.9**

SEA 309 includes the following provisions:

- Provides that the local Indiana business preference applies to a contract for a purchase made by a political subdivision only if the political subdivision provides that the preference is applicable to the purchase.
- Provides that the term "affected county" refers only to an Indiana county.
- Effective upon passage, authorizes the purchase of vehicles for community corrections programs from money in any of the following:
  - A county cumulative building fund.
  - A county, municipal, or township cumulative capital improvement fund.
  - (As a result of cross references) A county or municipal cumulative capital development fund.
- Repeals the local Indiana business preference for public works projects.

Except where noted, the act becomes effective July 1, 2012. (RC# 151; 3<sup>rd</sup> Rdg; 50-0)

## **Pensions & Labor**

### **HEA 1001 EMPLOYEE RIGHT TO WORK**

**Author(s): TORR, BOSMA, T.BROWN, BURTON, CULVER**

**Sponsor(s): YODER, BOOTS, WALKER, BANKS**

**Citations Affected: IC 22-6-6; IC 36-1-2-13; IC 21-7-13-22**

HEA 1001 makes it a Class A misdemeanor to require an individual to become or remain a member of a labor organization, pay dues, fees, or other charges to a labor organization, or pay to a charity or another third party an amount that represents dues, fees, or other charges required of members of a labor organization; as a condition of employment or continuation of employment. The act provides that the Indiana Department of Labor may investigate and issue administrative orders for violations or threatened violations. It establishes a separate private right of action for violations or threatened violations. HEA 1001 further provides that the statute does not apply to federal employees, employees subject to certain federal laws, certain employees over whom the federal government has jurisdiction, state employees, and employees of a political subdivision. It provides that the statute does not apply to the extent it is in conflict with or preempted by federal law. The act provides that the statute is not intended, and should not be construed, to change or affect any other law concerning collective bargaining or collective bargaining agreements in the building and construction industry. The new law became effective February 1, 2012. (SRC# 161, 3<sup>rd</sup> Rdg; 28-22) (HRC# 57; 3<sup>rd</sup> Rdg; 54-44)

### **HEA 1148 ENGINEER AND LAND SURVEYOR EXAMINATIONS**

**Author(s): MESSMER**

**Sponsor(s): M. YOUNG, GLICK, TALLIAN**

**Citations Affected: IC 25-21.5-6-1; IC 25-21.6-3; IC 25-31-1-14; IC 4-22-2**

HEA 1148 provides that the examinations for registration as a professional engineer and certification as a land surveyor or land surveyor in training *may* be computer-based. The act removes provisions specifying the duration of the examinations. It specifies that an applicant for registration as a professional engineer has three chances to pass the examination for registration, subject to the rules and discretion of the Board of Registration for Professional Engineers, and makes a technical correction. (RC#197; 3<sup>rd</sup> Rdg; 50-0)

#### **HEA 1173 VARIOUS IOSHA MATTERS**

**Author(s): ELLSPERMANN**

**Sponsor(s): WALKER, BUCK**

**Citations Affected: IC 22-8-1.1-24.1; IC 22-8-1.1-24.3; IC 5-14-3-4;**

**IC 22-8-1.1-48; IC 22-8-1.1-52**

HEA 1173 provides that when an employee believes that a workplace violation of safety or health standards exists, the name of the complainant and any identifying information and the name and identifying information of other individual employees may be nondisclosable and confidential for purposes of public records law. The act provides that neither the Commissioner of the Department of Labor (DOL) nor any employee or former employee of the DOL is subject to subpoena for purposes of inquiry into any occupational safety and health inspection, except when enforcement proceedings are brought under the Indiana Occupational Safety and Health Act, an action is filed in which the DOL is a party, the Commissioner consents in writing to waive the exemption, or a court finds that: the information sought is essential to the underlying case; there are no reasonable alternate means for acquiring the information; and a significant injustice would occur if the requested testimony was not available. HEA 1173 also provides that the annual tax imposed to finance the safety and health consultation services for the INsafe division of the DOL is due and payable on or before May 1 of each year when the tax is imposed. (Previous law stated that the tax is due and payable on or before April 10 of each year when the tax is imposed.) (RC#225; 3<sup>rd</sup> Rdg; 50-0)

#### **HEA 1207 STATE CIVIL SERVICE SYSTEM**

**Author(s): DAVIS**

**Sponsor(s): BOOTS**

**Citations Affected: Numerous citations throughout the Indiana Code**

HEA 1207 removes responsibility for public employee collective bargaining from the Budget Agency and also removes references to a state employee who is a party to a collective bargaining agreement or an employment contract in connection with leave for bone marrow or organ donation. The act amends or repeals provisions that conflict with the State Civil Service System law concerning the Director and Environmental Law Judges of the Office of Environmental Adjudication; the Director and employees of the State Library and the Historical Bureau; the Director of the State Commission on Public Records; veterans' home personnel; a superintendent of a state owned or operated correctional facility; employees of the Protection and Advocacy Service Commission; the Director, Administrative Law Judges, property managers, and employees of the Department of Natural Resources; the state Veterinarian and employees of the Board of Animal Health; employees of the state Department of Health; the superintendent of the School for the Blind and Visually Impaired; the superintendent of the School for the Deaf; and employees of the Department of Labor.

The act provides that the Executive Director of the Arts Commission is the commission's appointing authority. It provides that the Director and employees of the State Library and the Historical Bureau are not subject to board approval for appointment and removal. It removes restrictions on political activity by employees of the State Library, Historical Bureau, Department of Transportation, and Department of Natural Resources. The act removes the requirement for political party balance in hiring at the Law Enforcement Training Academy, the Department of State Revenue, the State Police Department, State Board of Accounts, and the Department of Natural Resources. It provides that the Director of the Criminal Justice Institute is the Institute's appointing authority. It removes a reference to public retirement system employee classifications covered by a labor agreement. HEA 1207 eliminates a term of office for the Director of the state Commission on Public Records, and provides that the Director is the commission's appointing authority. It repeals unique personnel provisions for employees of the Department of Transportation. It provides that the appointment of employees of the Department of Veterans' Affairs is not subject to approval by the Veterans' Affairs Commission. The act repeals obsolete transitional provisions concerning employees of predecessor agencies of the Department of Homeland Security, State Board of Health, and Department of Workforce Development.

The act repeals provisions concerning salary schedules and contracts for teachers employed by the Department of Correction, state institutions, special institutions administered by the state Department of Health, School for the Blind and Visually Impaired, and School for the Deaf. HEA 1207 also repeals an obsolete provision concerning the compensation of District Foresters and Natural Science Managers. The act repeals a provision requiring the restoration of an individual, who served as Commissioner of Labor, to the same or similar position the individual held before the individual's service. The act provides that the Commissioner of the Department of Insurance is the department's appointing authority, and makes technical corrections and conforming amendments. (RC#238, 3<sup>rd</sup> Rdg; 36-13)

## **HEA 1250 STATE GOVERNMENT**

**Author(s): MAHAN, BOSMA, STEMLER**

**Sponsor(s): LAWSON, HOLDMAN, TALLIAN**

**Citations Affected: IC 4-2-6-1**

HEA 1250 prohibits an individual, who is employed by a state agency, from being employed in the same agency in which the individual's relative is the appointing authority, and is placed in the direct line of supervision of a relative. The act allows a job assignment that existed on July 1, 2012, to be continued. The act allows an individual employed in an agency for at least 12 consecutive months immediately preceding the date the individual's relative becomes the appointing authority of the agency, to remain employed by the agency and be within the direct line of supervision of the relative. HEA 1250 prohibits an individual from contracting with or supervising the work of a business entity of which a relative is a partner, executive officer, or sole proprietor. The act provides that a person within an agency who violates the nepotism statute may be subject to the penalties enforced by the state Ethics Commission. The act also repeals provisions concerning employment of relatives in state agencies. (RC#230; 3<sup>rd</sup> Rdg; 43-7)

**SEA 127 INDIANA PUBLIC RETIREMENT SYSTEM**

**Author(s): TALLIAN, WALKER, BUCK**

**Sponsor(s): NIEZGODSKI, GUTWEIN**

**Citations Affected: IC 2-3.5; IC 4-1; IC 4-10; IC 4-12; IC 4-13; IC 5-10; IC 5-10.1; IC 5-10.2; IC 5-10.3; IC 5-10.4; IC 5-11; IC 5-13; IC 7.1-4; IC 8-1; IC 8-14; IC 15-11; IC 16-22; IC 20-24; IC 20-26; IC 33-38; IC 33-39; IC 34-13; IC 35-33; IC 36-8**

SEA 127 makes required technical corrections and conforming amendments following the enactment of SEA 524-2011 (P.L.22-2011) and SEA 549-2011 (P.L.23-2011). The introduced version of this bill was prepared by the Pension Management Oversight Commission. (RC#300; Concurrence; 47-0)

**SEA 128 ADMINISTRATION OF PUBLIC RETIREMENT PLANS**

**Author(s): WALKER, BUCK, TALLIAN, KENLEY**

**Sponsor(s): BURTON, M. SMITH**

**Citations Affected: IC 5-11-4-36; IC 9-27-2; IC 5-10.5-6-5; IC 5-10.5-2-1; IC 2-5-12-1; IC 5-10-1.5-1; IC 5-14-6**

SEA 128 requires the Indiana Public Retirement System (INPRS) to pay the direct and indirect costs of the State Board of Accounts' examination of the public pension and retirement funds administered by the INPRS. (Previously, only the teachers' retirement fund is required to pay these costs.) The act urges the assignment to the Pension Management Oversight Commission the study of a reporting system for retirement plans of the state or a political subdivision not administered by the system. (Currently, these plans must report to the Public Employees' Retirement Fund (PERF) information necessary for the PERF actuary to perform an actuarial valuation of the plan.) (RC#62; 3<sup>rd</sup> Rdg; 50-0)

## **Public Policy**

**HEA 1002 ELIMINATION OF COMPENSATION BOARDS AND COMMITTEES**

**Author(s): WOLKINS, DOBIS, KOCH**

**Sponsor(s): LAWSON, LANDSKE, TAYLOR**

**Citations Affected: IC 2-5-1.1; IC 2-5-1.6; IC 2-5-12; IC 2-5-16; IC 2-5-18; IC 2-5-19; IC 2-5-19; IC 2-5-20; IC 2-5-21; IC 2-5-23; IC 2-5-25; IC 2-5-26; IC 2-5-29; IC 2-5-30; IC 2-5-33.4; IC 36-1-2-13**

HEA 1002 reenacts the Public Officers Compensation Advisory Commission that was repealed in 2011. The act establishes the Environmental Rules Board. It decreases the membership of the Indiana War Memorials Commission from ten to nine members with one member from each congressional district. HEA 1002 also consolidates duplicative reporting required for the Indiana Economic Development Corporation (IEDC). It consolidates reporting requirements imposed on the IEDC for various programs administered by the IEDC into the state economic incentives and compliance report. It repeals the chapter requiring the IEDC to study the steel industry and provide expertise to public officials regarding the steel industry. The act also repeals and otherwise eliminates reporting requirements imposed on the IEDC to consolidate those requirements at another location in the Indiana Code.

The act repeals the Commission on the Social Status of Black Males and the Native American Indian Affairs Commission and re-enacts them in the article of the Indiana Code dealing with commissions. It transfers staffing responsibility for the Commission on the Social Status of Black Males from the Division of Family Resources under the Family and Social Services Administration, to the Civil Rights Commission. It also transfers staffing responsibility for the Native American Indian Affairs Commission, the Indiana Commission for Women, and the Commission on Hispanic/Latino Affairs from the Department of Workforce Development to the Civil Rights Commission and makes conforming technical changes.

The act provides that a Capital Investment Tax Credit may not be granted after December 31, 2016. It repeals the law that establishes the Tobacco Farmers and Rural Community Impact Fund. HEA 1002 also repeals the law that allows certain political subdivisions to borrow money for rural community water supply systems. The act removes obsolete references to the Abandoned Railroad Corridors Board. It also reduces the membership of the Natural Resources Advisory Council from eleven to seven members, provides for the council to meet in January and on the call of the chairperson, and makes conforming changes. The act broadens the requirements for the appointment of one member of the Board of Animal Health.

The act repeals the following committees, commissions, and boards:

- Office of Community and Rural Affairs Advisory Council.
- Tobacco Farmers and Rural Community Impact Fund.
- Air Pollution Control Board.
- Water Pollution Control Board.
- Solid Waste Management Board.
- Indiana Arts Commission Trust Fund Board.
- Council on Library Automation.
- Library Advisory Council.
- Law Enforcement, School Policing, and Youth Work Group.
- Affordable Housing and Community Development Fund Advisory Committee.
- Indiana Health Informatics Corporation.
- Ohio River Bridges Project Commission.
- Veterans' Home Advisory Committee.
- Mental Health Corrections Quality Advisory Committee.
- Department of Local Government Finance Rule Adoption Committee.
- Courthouse Preservation Advisory Commission.
- Rural Community Water Supply Loan Program.
- Water Shortage Task Force.
- Water Resources Task Force.
- Corporation for Educational Technology.
- Educational Technology Council.
- School Air Quality Panel.
- Building and Trades Advisory Committee. (RC#266; 3<sup>rd</sup> Rdg; 44-4)



## **HEA 1003 PUBLIC ACCESS ISSUES**

**Author(s): CROUCH, DOBIS, KARICKHOFF, KLINKER**

**Sponsor(s): HOLDMAN, ALTING, BECKER**

**Citations Affected: IC 4-2-6-4.3; IC 5-14-1.5-6; IC 5-14-1.5-4; IC 4-12-1-10;  
IC 4-13.6-5-8; IC 4-13.1-2-1; IC 4-15-1.5-5**

HEA 1003 deals with various public access issues. The act does the following:

- Allows a member of the governing body of any public agency of the state to participate in a meeting of the governing body by electronic communication only if the meeting meets all other requirements of the Open Door Law and a majority of the governing body adopts a policy regarding the use of meetings by electronic communication.
- Provides that if a meeting by electronic communication is conducted, the governing body is required to have the greater of two members or one-third of the governing body physically present at the meeting place and take only roll call votes.
- Provides that unless a policy adopted by the governing body provides otherwise, a member who participates in a meeting by electronic communication is considered to be present at the meeting, must be counted for purposes of establishing a quorum, and may vote at the meeting.
- Requires each member of the governing body to physically attend at least one meeting annually.
- Specifies that a governing body may adopt a policy that allows the public to attend meetings conducted by electronic communication at a public place and where a member is physically present and participates by electronic communication, excluding executive sessions.
- Requires a governing body to post the governing body's electronic meeting policy on the Internet web site of the governing body or public agency.
- Specifies that the electronic meeting law does not affect a governing body's right to exclude the public from an executive session conducted by electronic communication.
- Repeals the individual statutory authorizations for the following state entities to have meetings by electronic communication:
  - State Ethics Commission.
  - Indiana Bond Bank Board of Directors.
  - Indiana Public Retirement System Board of Trustees.
  - Board for Depositories.
  - Education Savings Authority Board of Directors.
  - State Board of Trustees or a Committee of the State Board of Trustees of Ivy Tech Community College of Indiana, Vincennes University, Ball State University, Indiana State University, Indiana University, Purdue University, and University of Southern Indiana.
  - Commission for Higher Education.
  - State Workforce Innovation Council.
  - Boards, committees, or commissions administered by the Professional Licensing Agency.
  - Department of Financial Institutions Governing Board.
  - Regional Services Council.
- The act changes the number of annual meetings the following state entities are required to conduct:
  - The State Budget Committee.

- The State Employees Appeals Commission.
  - The Board for Depositories.
  - The Commission for a Drug Free Indiana.
- Adds electronic media to the definition of "record" for purposes of the public records law.
- Eliminates a requirement that the Public Works Division of the Department of Administration solicit sealed bids for public works projects by sending notices by mail and posting notices on a bulletin board in the agency's office.
- Requires the State Police Department to publish the following on the state police Internet web site:
  - the forms to be used by valuable metal dealers when purchasing valuable metal.
  - a list that describes valuable metal products that are particularly susceptible to theft.
  - the statutes and rules adopted by the Superintendent of the State Police Department concerning the regulation of valuable metal dealers.
- Requires a public agency to allow inspection or copying; or make copies of a public record within a reasonable time after the request is received by the agency.
- Provides that a court may impose a civil penalty against:
  - an officer of a public agency or an individual employed in a management level position with a public agency; or
  - the public agency for violating the Open Door Law with specific intent to violate the law if the plaintiff obtained an advisory opinion from the public access counselor before filing an action.
- Provides that a court may impose a civil penalty against an officer, management level employee, or the public agency for violating the public records law if the officer, management level employee, or agency:
  - continues to deny a request for a public record after the public access counselor has issued an advisory opinion that instructs the agency to allow access to the public record; and
  - denies the request with the specific intent to unlawfully withhold a public record that is subject to disclosure.
- Provides that an individual or agency could be subject to a civil penalty if the individual intentionally charges a copying fee that the individual knows exceeds the amount set by statute, fee schedule, ordinance, or court order.
- Provides that a court may not impose a civil penalty unless the public access counselor has issued an advisory opinion that instructs the public agency to allow access to the public record before the lawsuit is filed.
- Provides that it is a defense to the imposition of a civil penalty under this section for a violation of the open door law or public records law if the individual acted in reliance on an opinion of the public agency's legal counsel or an opinion of the attorney general.
- Provides that a court may impose a civil penalty of not more than \$100 for the first violation and not more than \$500 for any additional violations.
- Provides that a court may impose only one civil penalty against an individual in an action even if the court finds that the individual committed multiple violations and impose another civil penalty against the individual in a separate action.
- Provides that if an officer of a state or local government agency orders a management level employee to not give proper notice of a public meeting or executive session or deny or

interfere with a person's request to inspect or copy a public document, the employee is not subject to a civil penalty for violating the statute.

- Provides that the civil penalty provisions imposed for violation of the public records law does not apply to any matter regarding the work product of legislative services agency or the individual members and partisan staffs of the general assembly.
- Provides that if the governing body of a local government agency adopts a policy, the agency shall provide notice to anyone (other than news media) that makes an annual request for notice by transmitting the notice by electronic mail or posting the notice on the agency's Internet web site (if the agency has an Internet web site).
- Provides that a court may not declare a governmental action void for failure to give notice by electronic mail or posting on the local government agency's web site if the agency made a good faith effort to comply with the statute.
- Provides that a public agency may withhold personal information from public disclosure regarding an individual less than 18 years of age who participates in an activity conducted or supervised by a state educational institution, including personal information regarding the individual's parent or guardian.
- Requires (rather than allows) a court to review public records in camera to determine whether redaction of the records violates the public records act.
- Creates an education fund for a program administered by the public access counselor to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws.
- Provides that a public agency has discretion as to whether to disclose a public record requested by an offender containing personal information relating to a judge, law enforcement officer, or family member of a judge or law enforcement officer. (RC# 364; CCR#1; 41-9)

#### **HEA 1052 STATEWIDE BID FOR EMERGENCY SERVICES EQUIPMENT**

**Author(s): R. FRYE, WESCO**

**Sponsor(s): NUGENT, STEELE**

**Citations Affected: IC 4-13-1-25; IC 10-19-9-2; IC 36-8-2-3; IC 36-8-12-2;  
IC 36-8-11; IC 36-8-19; IC 4-22-2**

HEA 1052 requires the Department of Administration to award quantity purchase agreements for the purchase of emergency services equipment. (RC#217; 3<sup>rd</sup> Rdg; 50-0)

#### **HEA 1054 ALCOHOL BEVERAGE MATTERS**

**Author(s): SOLIDAY, GIAQUINTA, MCMILLIN**

**Sponsor(s): CHARBONNEAU, MERRITT, WYSS**

**Citations Affected: IC 7.1-3-2-2; IC 7.1-3-2-7; IC 7.1-3-3**

HEA 1054 provides that a restaurant located not more than 700 feet (instead of 500 feet) from a historic district is eligible for a permit to sell alcoholic beverages without regard to the permit quota. The act provides that not more than ten permits issued to restaurants within or not more than 700 feet from a historic district may be active at any time. It provides for a cultural center permit for a city with an indoor theater listed on the National Register of Historic Places and with a population of more than 200,000 but less than 300,000. HEA 1054 also specifies that the 30,000 barrel production limitation for small Indiana breweries does not apply to the manufacture of beer for sale or distribution outside Indiana. It provides that a small Indiana

brewery may sell the brewery's beer on Sunday at any address for which the brewer holds a brewer's permit if the address is located within the same city boundaries in which the beer was manufactured. (Previous law provided that a small Indiana brewery may sell the brewer's beer only at the address for which the brewer's permit was issued.)

This act provides that a lease and contract concerning the lease of federally-owned land under the control and management of the Department of Natural Resources (DNR) may permit the retail sale of alcoholic beverages for consumption on the licensed premises of a public golf course located on Brookville Reservoir, and state-owned land under the control and management of the DNR may permit the retail sale of alcoholic beverages for consumption on the licensed premises of a pavilion located within Indiana Dunes State Park; if the lessee or concessionaire applies for and secures the necessary alcohol permits. (RC# 218; 3<sup>rd</sup> Rdg; 43-7)

#### **HEA 1149 SMOKING BAN**

**Author(s): TURNER, C. BROWN, T.BROWN, WELCH, AUSTIN  
BAUER, BURTON, CANDELARA-REARDON, CHERRY**

**Sponsor(s): GARD, ALTING, SIMPSON**

**Citations Affected: IC 7.1-1-2-2; IC 7.1-5-1-3; IC 7.1-5-1-6; IC 7.1-5-12  
IC 4-31-5; IC 4-33-2-17**

HEA 1149 prohibits smoking in public places, enclosed areas of a place of employment, certain state vehicles, and within 8 feet of a public entrance to a public place or an enclosed area of a place of employment. The act allows smoking in certain gaming facilities, cigar and hookah bars, fraternal, social, and veterans clubs, tobacco stores, bars and taverns, cigar manufacturer facilities, and cigar specialty stores if certain requirements are met. It also allows smoking on the premises of a business that is located in the business owner's residence if certain requirements are met. HEA 1149 requires certain signs to be posted that read "State Law Prohibits Smoking Within 8 Feet of this Entrance." It requires the Alcohol and Tobacco Commission (ATC) to enforce this prohibition. It allows certain governmental agencies and law enforcement officers to enforce the prohibition. The act makes it a Class B infraction to violate the smoking prohibition and a Class A infraction if the person has been adjudged to have committed three prior unrelated infractions for violations. It prohibits firing, refusing to hire, or retaliating against a person for reporting a violation or exercising any right or performing any obligation under the smoking prohibition. It requires the ATC to present an annual report to the Health Finance Commission. The act removes the authority of the Director of the Division of Mental Health and Addiction to regulate smoking within certain state institutions. It provides authority for a physician to prescribe smoking cessation devices to residents of state institutions. (Previous law allowed prescribing nicotine patches.) It moves the prohibition against smoking on a school bus during the school week to IC 7.1. The act repeals the current Clean Indoor Air Law, and makes a technical correction. (RC# 345; CCR#1; 28-22)

**HEA 1186 EMERGENCY MEDICAL SERVICES PERSONNEL****Author(s): T. BROWN, WELCH, R. FRYE, SULLIVAN****Sponsor(s): MILLER****Citations Affected:** IC 4-22-2-37.1; IC 9-19-14.5-1; IC 9-30-6-6; IC 16-18-2-6.5; IC 16-18-2-7; IC 16-18-2-33.5; IC 16-18-2-109.8; IC 16-18-2-112.5; IC 16-18-2-112.7; IC 16-18-2-131; IC 16-18-2-163; IC 16-18-2-266; IC 16-18-2-295; IC 16-18-2-337; IC 16-31-2-2; IC 16-31-2-7; IC 16-31-2-8; IC 16-31-2-9; IC 16-31-2-11; IC 16-31-2-12; IC 16-31-2-13; IC 16-31-3-1; IC 16-31-3-2; IC 16-31-3-3; IC 16-31-3-5; IC 16-31-3-6; IC 16-31-3-7; IC 16-31-3-8; IC 16-31-3-9; IC 16-31-3-10; IC 16-31-3-11; IC 16-31-3-12; IC 16-31-3-13.5; IC 16-31-3-14; IC 16-31-3-14.5; IC 16-31-3-16; IC 16-31-3-17; IC 16-31-3-20; IC 16-31-3-21; IC 16-31-3-23; IC 16-31-3-24; IC 16-31-3.5-1; IC 16-31-3.5-3; IC 16-31-3.5-5; IC 16-31-3.5-7; IC 16-31-6-1; IC 16-31-6-2; IC 16-31-6-3; IC 16-31-6-4; IC 16-31-8-1; IC 21-14-1-6; IC 25-22.5-1-2; IC 34-6-2-3.1; IC 34-6-2-37.2; IC 34-6-2-37.4; IC 34-6-2-55; IC 34-18-2-3.5; IC 34-18-2-4; IC 34-18-2-12.1; IC 34-18-2-12.2; IC 34-18-2-14; IC 35-42-2-6

HEA 1186 authorizes the Indiana Emergency Medical Services Commission (EMSC) to implement an emergency services personnel certification program through emergency rules. The act provides for the licensure of paramedics by the EMSC. (Previous law provided for the certification of paramedics by the EMSC.) The act renames "emergency medical technician-intermediate" as "advanced emergency medical technician" and deletes the term "emergency medical technician-basic advanced." It renames "first responders" as "emergency medical responders". HEA 1186 also requires that an emergency medical dispatcher must have completed training that meets specified standards and removes language in which the commission certified an emergency medical dispatch agency. The act allows an individual who is currently certified as an emergency medical technician-basic advanced or an emergency medical technician-intermediate two years to comply with new certification requirements for emergency medical services personnel. It provides that certain provisions relating to the unlawful or unauthorized practice of medicine do not apply to respiratory care practitioners practicing respiratory care. The act requires the Health Finance Commission to study, during the 2012 legislative interim, issues concerning the licensing of paramedics and makes conforming changes. (RC#332; CCR#1; 50-0)

**SEA 275 REAL ESTATE BROKERS****Author(s): MERRITT, BRODEN, ALTING****Sponsor(s): DAVIS****Citations Affected:** IC 5-20-5-18; IC 23-1.5-1-13.5; IC 23-2-5-3; IC 25-20.2-1-1; IC 25-20.2-3-2; IC 25-34.1-1-1; IC 25-34.1-1-2; IC 25-34.1-1-4; IC 25-34.1-2-5; IC 25-34.1-2-7; IC 25-34.1-3-2; IC 25-34.1-3-3.1; IC 25-34.1-3-4.1; IC 25-34.1-3-5; IC 25-34.1-3-6; IC 25-34.1-3-10; IC 25-34.1-3-10.5; IC 25-34.1-3-11; IC 25-34.1-4-0.5; IC 25-34.1-4-1; IC 25-34.1-4-2; IC 25-34.1-4-3; IC 25-34.1-4-4; IC 25-34.1-4-5; IC 25-34.1-4-6; IC 25-34.1-4.5; IC 25-34.1-5-1; IC 25-34.1-5-4; IC 25-34.1-5-5; IC 25-34.1-5-12; IC 25-34.1-6-2; IC 25-34.1-7-6; IC 25-34.1-7-10; IC 25-34.1-8-7.5; IC 25-34.1-9-3; IC 25-34.1-9-9; IC 25-34.1-9-10; IC 25-34.1-9-11; IC 25-34.1-9-11.1; IC 25-34.1-9-14; IC 25-34.1-9-19; IC 25-34.1-10-6.8; IC 25-34.1-10-7.5; IC 25-34.1-10-7.8; IC 25-34.1-10-12.5; IC

**25-34.1-10-13; IC 27-7-3-15.5; IC 32-21-14-2; IC 32-28-12.5-2; IC 32-28-12.5-3; IC 32-28-12.5-5; IC 32-28-12.5-6; IC 32-28-12.5-7; IC 32-28-12.5-8; IC 32-28-12.5-9; IC 32-28-12.5-10; IC 32-28-12.5-11; IC 32-28-12.5-12; IC 32-28-12.5-13; IC 32-28-12.5-14; IC 32-28-12.5-16; IC 32-28-12.5-18; IC 32-28-12.5-19**

SEA 275 eliminates, after June 30, 2014, the license for real estate salespersons and the designation of principal real estate brokers. The act prohibits, after June 30, 2014, an individual who holds a salesperson's license from performing certain acts as a salesperson without obtaining a broker's license. The acts prohibited include selling, purchasing, trading, exchanging, optioning, leasing, renting, managing, listing, or appraising real estate or negotiating or offering to perform any of those acts in Indiana or with respect to real estate situated in Indiana without a broker's license. The act establishes, for individuals who hold a salesperson's license on or after June 30, 2012, certain requirements to obtain a broker's license. The requirements are that an individual must:

- Be at least eighteen (18) years of age before applying for a license and not have a conviction for:
  - an act that would constitute a ground for disciplinary sanction;
  - a crime that has been a direct bearing on the individual's ability to practice competently; or
  - a crime that indicates the individual has the propensity to endanger the public.
- Have a high school diploma or a general education development (GED) diploma.
- Have successfully completed an approved broker course of study.
- Apply for a license by submitting the application fee prescribed by the commission and an application specifying the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the address where the business is to be conducted, proof of compliance with previous education and broker study requirements, and any other information the commission requires.
- Pass a written examination prepared and administered by the commission or its duly appointed agent.
- Within one year after passing the commission examination, submit the license fee established by the commission. If an individual applicant fails to file a timely license fees, the commission shall void the application and may not issue license to that applicant unless that applicant again complies with the aforementioned application, written examination, and submission requirements.

It requires, after June 30, 2014, a person to meet certain requirements before the person may become a managing broker. The requirements are that an individual must:

- Hold a broker's license for at least two (2) years; and
- Take and pass at least twenty-four (24) hours of broker management courses approved by the commission.

The act changes the appointment of members to the Real Estate education Advisory Council. It also provides that brokers' licenses are issued for three years. (Licenses were previously issued for two years.) The act revises education and continuing education requirements, and makes conforming changes. (RC# 306; Concurrence; 45-2)



**SEA 315 CHARITY GAMING****Author(s): HEAD, BUCK, RANDOLPH, STEELE, LEISING****Sponsor(s): MESSMER****Citations Affected:** IC 4-32.2-2-7.6; IC 4-32.2-2-7.7; IC 4-32.2-2-18.6; IC 4-32.2-2-23.3; IC 4-32.2-2-24; IC 4-32.2-2-30; IC 4-32.2-3-3; IC 4-32.2-4-4; IC 4-32.2-4-14; IC 4-32.2-4-19; IC 4-32.2-4-20; IC 4-32.2-5-1.5; IC 4-32.2-5-5; IC 4-32.2-5-6; IC 4-32.2-5-13; IC 4-32.2-5-14; IC 4-32.2-5-14.5; IC 4-32.2-5-15; IC 4-32.2-5-15.5; IC 4-32.2-5-16; IC 4-32.2-5-29; IC 4-32.2-5-30; IC 4-32.2-5-31; IC 4-32.2-6-2; IC 4-32.2-6-3; IC 4-32.2-6-3.5;

SEA 315 establishes an annual comprehensive charity gaming license for national organizations and foundations meeting certain eligibility requirements. The act permits the Indiana affiliates of a national organization or foundation to conduct raffle events and door prize events under a single annual comprehensive charity gaming license. The act prescribes the following:

- Who may serve as an operator or worker under the license.
- The procedural requirements for obtaining the license.
- The requirements for conducting particular events.
- When a worker may purchase a raffle ticket at a raffle event conducted under the license.
- Limits on the frequency of events.
- The method of determining an organization's initial license fee.
- The method of determining an organization's license renewal fee.

The act reduces the time an organization must exist in Indiana before becoming eligible to obtain a charity gaming license from five years to three years. It provides that the initial license fee for a charity gaming license is \$50 for licenses other than the annual comprehensive charity gaming license. (Previous law granted the IGC discretion to establish the initial license fee at an amount that may not exceed \$50, which is the amount the IGC has selected.) It allows patrons to deal the cards in certain poker games conducted at a charity game night. (Previous law allowed patrons to deal only in euchre games.) SEA 315 prohibits a patron from playing at a table for which the patron deals the cards. It specifies rules applicable to games of Texas hold'em or Omaha poker in which a patron deals the cards. It also requires the operator or a worker to deal the cards at the final table of a tournament. (RC#260; Concurrence; 50-0)

**SEA 330 CERTIFIED PUBLIC ACCOUNTANTS****Author(s): YODER, BRODEN****Sponsor(s): HEATON****Citations Affected:** IC 4-22-2-37.1; IC 25-2.1-2-16

SEA 330 permits the Board of Accountancy (BOA) or the Executive Director of the Professional Licensing Agency, on behalf of the BOA, to adopt an emergency rule that incorporates by reference the latest statement, edition, or compilation of nationally recognized professional standards governing the competent practice of accountancy. (RC#157; 3<sup>rd</sup> Rdg; 49-1)

## Tax & Fiscal Policy

### HEA 1072 TAX ADMINISTRATION

Author(s): ESPICH, WELCH

Sponsor(s): KENLEY

Citations Affected: IC 4-10-13-0.1; IC 4-10-13-5; IC 4-33-6-1; IC 5-1-18-6; IC 5-1-18-7; IC 5-1-18-8; IC 5-1-18-9; IC 5-11-1-4; IC 5-11-13-1; IC 5-14-3.8-7; IC 5-28-16-3; IC 6-1.1-1-3; IC 6-1.1-3-24; IC 6-1.1-11-8; IC 6-1.1-12-26.1; IC 6-1.1-12-27.1; IC 6-1.1-12-37; IC 6-1.1-12-41; IC 6-1.1-15-10; IC 6-1.1-17-0.5; IC 6-1.1-17-1; IC 6-1.1-17-1; IC 6-1.1-17-3; IC 6-1.1-17-3.5; IC 6-1.1-17-8.5; IC 6-1.1-17-16; IC 6-1.1-17-20; IC 6-1.1-17-20.3; IC 6-1.1-18-5; IC 6-1.1-18-12; IC 6-1.1-18-12.5; IC 6-1.1-18-13; IC 6-1.1-18.5-9.8; IC 6-1.1-18.5-9.9; IC 6-1.1-20.6-9.8; IC 6-1.1-20.6-10; IC 6-1.1-20.6-11; IC 6-1.1-21.8-5; IC 6-1.1-30-17; IC 6-1.1-37-11; IC 6-1.1-41-3; IC 6-1.1-41-5; IC 6-1.1-41-6; IC 6-1.1-41-9; IC 6-2.3-4-7; IC 6-2.5-4-5; IC 6-2.5-5-5.1; IC 6-2.5-5-9; IC 6-2.5-5-30; IC 6-2.5-5-45.8; IC 6-2.5-6-1; IC 6-3-1-3.5; IC 6-3-1-11; IC 6-3-4-1; IC 6-3-4-8; IC 6-3-4-8.1; IC 6-3-4-12; IC 6-3-4-13; IC 6-3-4-16.5; IC 6-3.1-24-9; IC 6-3.1-26-26; IC 6-3.1-31.9-23; IC 6-3.1-33-9; IC 6-3.5-1.1-2; IC 6-3.5-1.1-2.6; IC 6-3.5-1.1-3; IC 6-3.5-1.1-3.1; IC 6-3.5-1.1-4; IC 6-3.5-1.1-9; IC 6-3.5-1.1-10; IC 6-3.5-1.1-24; IC 6-3.5-1.1-25; IC 6-3.5-1.1-26; IC 6-3.5-1.5-1; IC 6-3.5-1.5-2; IC 6-3.5-6-1.5; IC 6-3.5-6-8; IC 6-3.5-6-9; IC 6-3.5-6-11; IC 6-3.5-6-12; IC 6-3.5-6-12.5; IC 6-3.5-6-17; IC 6-3.5-6-28; IC 6-3.5-6-29; IC 6-3.5-6-30; IC 6-3.5-6-31; IC 6-3.5-6-32; IC 6-3.5-6-33; IC 6-3.5-7-1.5; IC 6-3.5-7-4.3; IC 6-3.5-7-4.6; IC 6-3.5-7-4.7; IC 6-3.5-7-4.8; IC 6-3.5-7-5; IC 6-3.5-7-6; IC 6-3.5-7-7; IC 6-3.5-7-11; IC 6-3.5-7-12; IC 6-3.5-7-13.1; IC 6-3.5-7-15; IC 6-3.5-7-16; IC 6-3.5-7-22; IC 6-3.5-7-25; IC 6-3.5-7-25.5; IC 6-3.5-7-26; IC 6-3.5-7-27; IC 6-3.5-7-27.6; IC 6-3.5-7-28; IC 6-8.1-9-1; IC 6-9-2-2; IC 6-9-33-8; IC 20-46-3-6; IC 20-46-4-6; IC 20-46-6-5; IC 36-1-8-11; IC 36-1-8-11.5; IC 36-2-9-20; IC 36-3-6-9; IC 36-7-10.1-3; IC 36-7-15.1-16; IC 36-7-31.3-10; IC 36-8-15-19; IC 36-9-4-42; IC 36-12-12-5

HEA 1072 makes the following changes concerning tax administration:

- Changes dates for budget and levy adoption actions.
- Changes property tax, sales tax, and income tax reporting and filing requirements.
- Effective March 1, 2011, specifies the assessed value for outdoor signs.
- Effective upon passage, changes the formula for applying the circuit breaker among debt and non-debt levies, permits the Department of Local Government Finance to authorize the exclusion of more than 2% of the assessed value of a taxing unit for purposes of calculating property tax rates, and changes the formula for calculating adjustments to the maximum permissible tax rate for cumulative funds and capital project funds to reflect changes in the total assessed value in a taxing unit. Provides for a loan to replace revenue lost from applying the prior adjustment formula.
- Expands the circumstances under which the budgets and supplemental budgets of a political subdivision with a nonelected governing body (other than a library) is subject to review by a county, city, or town fiscal body.
- Effective January 1, 2013, exempts from the utility receipts tax any payments of severance damages or other compensation resulting from a change in assigned service area boundaries.

- Effective January 1, 2012, provides a sales tax exemption for sales of wrapping material and empty containers that are acquired for shipping or delivery and a sales tax exemption concerning recycling.
  - Effective January 1, 2012, provides a property tax deduction for solar power devices.
  - Extends the Hoosier business investment tax credit, the venture capital investment tax credit, the alternative fuel vehicle manufacturer tax credit, and the new employer tax credit.
  - Removes from current law the prohibition of taking a case to the tax court if the Department of State Revenue takes longer than three years to settle a claim.
  - Effective upon passage, allows an additional local income tax rate in Starke County.
  - Effective January 1, 2013, provides for an adjustment of certain maximum levy limits for two townships in Jasper County and the Frontier School Corporation.
  - Makes changes in the administration of local income tax laws.
  - Effective January 1, 2012, changes the date that a Miami County resolution related to the use of local income taxes for property tax credits takes effect.
  - Eliminates certain local income tax rates for Tippecanoe County and Parke County.
  - Makes changes related to the allocation of certain taxes in Allen County.
  - Updates certain internal references to population and the Internal Revenue Code.
  - Effective upon passage, provides that the projection of the jobs to be created by a project funded from the Indiana Twenty- First Century Research and Technology Fund may not be kept confidential.
  - Provides for a continuous abatement notice regarding weeds and vegetation.
  - Effective upon passage, allows a political subdivision or municipally-owned utility to collect a fee for a credit or bank card payment.
  - Effective upon passage, allows a political subdivision or the board of a municipally owned utility to use an electronic funds transfer method of payment of claims.
  - Provides that a county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence for purposes of the homestead standard deduction.
  - Effective upon passage, requires various legislative studies.
- Except as noted above, the act's provisions are effective July 1, 2012. (RC# 365; CCR#1; 50-0)

#### **HEA 1141 HOME ENERGY ASSISTANCE**

**Author(s): WELCH, DAY, CLERE, TRUITT**

**Sponsor(s): ALTING**

**Citations Affected: IC 4-12-1-14.5; IC 6-2.5-4-5; IC 6-2.5-5-16.5**

HEA 1141 establishes the Mortgage Foreclosure Multistate Settlement Fund and does the following:

- Provides that the fund consists of:
  - money that is received by the state under a multistate agreement related to litigation concerning mortgage foreclosure activities and that is designated by the Attorney General for deposit in the fund;
  - appropriations made to the fund by the General Assembly; and
  - grants, gifts, and donations intended for deposit in the fund.
- Requires that the fund be administered by the Budget Agency, and that money in the fund does not revert to the state general fund.

- Specifies that an amount equal to the state sales tax revenue that was collected in the preceding state fiscal year on the assistance provided through the federal low income home energy assistance block grant program (LIHEAP) is appropriated and transferred from the fund each year for a separate state home energy assistance program to provide assistance exclusively for individuals who own a home using the LIHEAP standards.
- Effective immediately, repeals the expired sales tax exemption for home energy purchased through the state program.

The remainder of the provisions effective July 1, 2012. (RC#327; CCR#1; 49-0)

## **HEA 1247 OPERATOR'S LICENSE RENEWAL SCHEDULE AND FEES**

**Author(s): SOLIDAY**

**Sponsor(s): WYSS, ARNOLD**

**Citations Affected: IC 9-29-9-2; IC 9-24-12-1**

HEA 1247 provides expiration dates and sets fees for the renewal of certain operator's licenses that are set to expire in 2012. This act is effective upon passage (RC# 365; 3<sup>rd</sup> Rdg; 47-3)

## **HEA 1280 REGULATORY MATTERS**

**Author(s): KOCH**

**Sponsor(s): HERSHMAN**

**Citations Affected: IC 4-3-22-1.5; IC 4-3-22-6; IC 4-21.5-3-1; IC 4-22-2-19.7; IC 4-22-2-22.5; IC 4-22-2-23; IC 8-1-34-24.5; IC 25-26-13-17; IC 25-26-13-19; IC 25-26-13-20; IC 25-26-13-25; IC 35-48-7-8.1**

HEA 1280 states that intrastate commerce in Indiana is not subject to the authority of the United States Congress. Effective upon passage, allows certain administrative adjudication notices to be delivered by electronic mail or another method approved by the Indiana Rules of Trial Procedure. It requires the Division of Government Efficiency and Financial Planning in the Office of Management and Budget to advise and assist state agencies and entities with continuous process improvement techniques. It allows an agency to solicit comments from members of the public who are likely to be affected by a rule because they are the subject of the potential rulemaking or are likely to benefit from the potential rulemaking. The act requires that state documents provided to the public must comply with certain document drafting standards. Effective upon passage, it requires each unit of local government that receives franchise fees paid to the unit from an entity providing video services to submit to the IURC an annual report on the unit's receipt and use of those franchise fees during the calendar year for which the report is submitted. It also consolidates six categories of pharmacy licenses into three categories. Except as noted, the act's provisions are effective July 1, 2012. (RC# 368; 3<sup>rd</sup> Rdg; 38-12)

## **HEA 1325 SALES AND USE TAX EXEMPTIONS**

**Author(s): POND, BEHNING, THOMPSON**

**Sponsor(s): HERSHMAN, M. YOUNG**

**Citations Affected: IC 6-2.5-3-2; IC 6-2.5-5-37; IC 6-2.5-5-42; IC 6-2.5-5-45; IC 6-2.5-5-46**

HEA 1325 specifies the sales tax exemption for certain aircraft when there is an addition to or reconfiguration of the interior of an aircraft, and specifies when delivery occurs. It provides a sales tax exemption for transactions involving tangible personal property by a company that

is engaged in offering a competitive racing experience in a two-seater Indianapolis 500 style race car during a competitive racing event. The act provides a sales tax exemption for tangible personal property acquired for the exclusive purpose of complying with the state tobacco tax laws. It also provides a sales tax exemption for transactions involving tangible personal property related to the repair, maintenance, refurbishment, remodeling, or remanufacturing of an aircraft or an avionics systems of an aircraft with a country of registration that is outside the United States and that either has a minimum landing weight of at least 5,000 pounds, or is equipped with a turboprop or turbojet power plant. It also requires the Commission on State Tax and Financing Policy to study issues related to whether the exemption should be made to apply to all aircraft and avionic devices. The sales tax exemption provisions that apply to certain aircraft are retroactively effective back to January 1, 2009. The sales tax exemption provisions that apply to the two-seater racing car apply retroactively back to January 1, 2011. The study topic provision is effective July 1, 2012. (RC# 295; 3<sup>rd</sup> Rdg; 50-0)

## **SEA 19 PROPERTY TAXES**

**Author(s):** BOOTS, HERSHMAN, DELPH, HOLDMAN, BRODEN, BUCK, RANDOLPH, CHARBONNEAU

**Sponsor(s):** RICHARDSON

**Citations Affected:** IC 6-1.1-4-4; IC 6-1.1-4-4.2; IC 6-1.1-4-4.5; IC 6-1.1-4-5; IC 6-1.1-4-5.5; IC 6-1.1-4-6; IC 6-1.1-4-9; IC 6-1.1-4-12.4; IC 6-1.1-4-13; IC 6-1.1-4-13.6; IC 6-1.1-4-16; IC 6-1.1-4-17; IC 6-1.1-4-20; IC 6-1.1-4-21; IC 6-1.1-4-21.4; IC 6-1.1-4-22; IC 6-1.1-4-27.5; IC 6-1.1-4-28.5; IC 6-1.1-4-29; IC 6-1.1-4-30; IC 6-1.1-4-31; IC 6-1.1-4-31.5; IC 6-1.1-8.5-8; IC 6-1.1-8.7-3; IC 6-1.1-12-19; IC 6-1.1-12-23; IC 6-1.1-12.1-4; IC 6-1.1-12.1-4.8; IC 6-1.1-12.4-2; IC 6-1.1-13-6; IC 6-1.1-13-7; IC 6-1.1-15-4; IC 6-1.1-17-1; IC 6-1.1-18-12; IC 6-1.1-18-13; IC 6-1.1-18.5-9.8; IC 6-1.1-18.5-10; IC 6-1.1-18.5-13; IC 6-1.1-22.5-6; IC 6-1.1-22.5-20; IC 6-1.1-22.6; IC 6-1.1-28-8; IC 6-1.1-30-17; IC 6-1.1-31-9; IC 6-1.1-33.5-6; IC 6-1.1-34-1; IC 6-1.1-34-7; IC 6-1.1-39-5; IC 6-1.1-42-28; IC 33-26-8-1; IC 33-26-8-3; IC 36-2-7-13; IC 36-6-8-5; IC 36-7-14-13; IC 36-7-14-39; IC 36-7-15.1-26; IC 36-7-15.1-36.3; IC 36-7-15.1-53; IC 36-7-30-25; IC 36-7-30.5-30; IC 6-7-32-19

SEA 19 includes the following provisions:

- Before July 1, 2013, and before July 1 of every fourth year, each county assessor must prepare and submit a county cyclical reassessment plan to the Department of Local Government Finance (DLGF) for its approval.
- The DLGF must complete its review and approval of the reassessment plan before March 1 of the year following the year in which each county's reassessment plan is submitted, and it provides the county assessor may modify a reassessment plan with the DLGF's review and approval.
- Each county reassessment plan must divide all parcels of real property in the county into different groups of parcels, with each group of parcels containing at least 25% of the parcels within each class of real property in the county.
- The reassessment of the first group of parcels under a county's reassessment plan must begin July 1, 2014, and be completed on or before March 1, 2015.
- Specifies procedures for taxpayers to petition the DLGF for reassessment of parcels in a group and a schedule for completion of reassessment of parcels in a group.

- Each county assessor must submit land values to the county property tax assessment board of appeals (PTABOA) by the dates specified in the county's reassessment plan.
- The notice of assessment must be sent to taxpayers by assessing officials in addition to any required notice of assessment included in a property tax statement, by mail or by using electronic mail that includes a secure Internet link to the information in the notice.
- Specifies that the soil productivity factors used for March 1, 2011, shall be used for the March 1, 2012, assessment date instead of the new values determined by the DLGF for March 1, 2012.
- Specifies additional reporting requirements for redevelopment commissions, and requires redevelopment commissions to submit copies of the required reports to the DLGF.
- Specifies procedures for resolving multi-year delays in the issuance of tax bills for counties that are at least three years behind in issuing tax bills and it provides that these provisions expire December 31, 2016.
- Specifies that any required provisional statement shall be based on the latest assessed values certified by the DLGF, as adjusted under the procedures specified by the DLGF.
- Allows the county executive of a covered county to employ one or more special masters to substantially carry out all of the duties of:
  - the county auditor;
  - the county treasurer; or
  - the county assessor;
  - or any combination of these offices, as is necessary to issue property tax bills in each year that the county is a covered county
- Specifies that local income taxes withheld to pay state expenses incurred to issue expedited tax bills in these counties reduces only the share of local income taxes that would be distributable to the county unit of government and that the money must be set aside to reimburse eligible taxing units for interest costs on the schedule specified by the Indiana Bond Bank. The act indicates that some or all of the required set aside is waived if certain conditions are met.
- Requires that the extension of time to file for credits or deductions related to reconciliation bills issued in a covered county for a past tax year must be explained in the tax bill. It provides that the extension is the later of July 1 in the year the county becomes a covered county or 45 days after the reconciliation bill is issued.
- Allows the current owner of property to file the deduction or credit application.

The provisions concerning the DLGF's power to resolve multi-year delays in the issuance of property tax bills are effective upon passage. The provisions concerning cyclical reassessment and reporting by redevelopment commissions are effective July 1, 2012. The act's remaining provisions are effective January 1, 2013. (RC# 336; CCR#1; 36-14)

## **SEA 109 DEPOSIT OF PUBLIC FUNDS BY LOCAL UNITS**

**Author(s):** HOLDMAN, WALKER, SKINNER

**Sponsor(s):** HEATON

**Citations Affected:** IC 5-13-9-5.3; IC 5-13-4-7

SEA 109 does the following:

- Expands the existing authority of counties and other political subdivisions to invest, through a selected local depository institution, in certificates of deposit issued by federally insured



banks or savings and loan associations to include the authority to invest in interest-bearing deposit accounts of federally insured banks or savings and loan associations through the same procedure and under the same conditions.

- Specifies that the term "deposit account" includes only:
  - accounts subject to withdrawal by negotiable orders of withdrawal;
  - passbook savings accounts;
  - certificates of deposit; and
  - money market deposit accounts.
- The act's provisions are effective July 1, 2012.
- RC# 60; 3<sup>rd</sup> Rdg. 50-0.

#### **SEA 144 SALES AND TOBACCO PRODUCTS TAXES**

**Author(s): KENLEY, CHARBONNEAU, SKINNER, BRODEN**

**Sponsor(s): ESPICH**

**Citations Affected: IC 6-2.5-5-45; IC 6-7-2-6**

SEA 144 provides an exemption from the state sales tax for tangible personal property acquired for the exclusive purpose of complying with the state tobacco tax laws. It also changes the wholesale price on which the tobacco products tax is based (excludes cigarettes and moist snuff) to make the wholesale price the net price as shown on the manufacturer's invoice, excluding any discount or other reduction that is not shown on the invoice. The act's provisions are effective July 1, 2012. (RC# 340; CCR#1; 50-0)

#### **SEA 147 LOCAL GOVERNMENT FINANCIAL MATTERS**

**Author(s): HOLDMAN, WALKER, SKINNER**

**Sponsor(s): TRUITT**

**Citations Affected: IC 6-1.1-22-8.1; IC 6-1.1-22-9.7; IC 6-1.1-24-1; IC 6-1.1-26-5; IC 6-1.1-37-9; IC 36-2-7-19; IC 36-2-9-2.5; IC 36-2-9.5-2.5; IC 36-2-10-2.5**

SEA 147 includes the following local government financing provisions:

- Allows a county to provide notices of property tax information by electronic mail that provides a secure Internet link for the recipient to obtain the information, allows a person to request electronic transmissions in an online format developed by a county and approved by the Department of Local Government Finance (DLGF), and requires the county treasurer to record whether electronic mail to a person was undeliverable.
- Specifies that a monthly payment plan may include an automatic monthly deduction from a taxpayer's financial institution account or monthly payments made by written instrument or electronically.
- Allows that the payment cycle for a property tax payment plan may be up to 12 months and may begin in December of the year preceding the year the taxes would be due under the May and November installment method and end in the following November. It also clarifies that penalties do not apply if the amount due under a monthly payment plan is paid by the due date in November that is designated by the taxpayer.
- States that a real property parcel is not to be listed on a tax sale notice if the delinquent property taxes or special assessments are \$25 or less.
- The interest rate owed on property tax refunds or when a taxpayer owes more property taxes because of an assessment increase after the tax due date, an appeal, or when collection has

been enjoined by court order is equal to the rate established by the Commissioner of the Department of State Revenue for refunds on excess state tax payments.

- Requires county treasurers and county auditors to attend training sessions approved by the State Board of Accounts. It provides that money in the county elected officials training fund may be used to provide this training.

The act's provisions are effective July 1, 2012. (RC# 310; Concurrence; 46-0)

## **SEA 293 INHERITENCE TAX**

**Author(s): SMITH, HERSHMAN, HEAD, MILLER, HOLDMAN, RANDOLPH, SCHNEIDER, ZAKAS, KRUSE, ECKERTY, DELPH, LANDSKE, LEISING, GLICK, M. YOUNG**

**Sponsor(s): TURNER**

**Citations Affected: IC 6-4.1-1-0.5; IC 6-4.1-1-3; IC 6-4.1-2-0.5; IC 6-4.1-2-1; IC 6-4.1-3-0.5; IC 6-4.1-3-10; IC 6-4.1-4-0.2; IC 6-4.1-5-0.5; IC 6-4.1-5-1.1; IC 6-4.1-6-0.5; IC 6-4.1-7-0.5; IC 6-4.1-8-0.5; IC 6-4.1-9-0.5; IC 6-4.1-11-6; IC 6-4.1-12-0.5**

SEA 293 makes the following changes concerning inheritance tax:

- Reclassifies a spouse, widow, or widower of a child of the transferor as a Class A transferee instead of a Class B transferee;
- Reclassifies a spouse, widow, or widower of a stepchild of the transferor as a Class A transferee instead of a Class C transferee;
- Increases the Inheritance Tax exemption amount for Class A transferees from \$100,000 to \$250,000 with respect to taxable transfers resulting from the deaths of individuals dying after December 31, 2011;
- Phases out the Inheritance Tax over nine (9) years beginning in 2013; and
- Phases out the Inheritance Tax replacement amounts payable to counties over ten (10) years beginning with amounts payable for the state fiscal year beginning July 1, 2012.

The changes to the transferee classes and the increases in the exemption amounts are effective January 1, 2012. The phase-out provisions are effective July 1, 2012. (RC# 353; CCR1#; 48-0)

## **SEA 302 TAXATION**

**Author(s): CHARBONNEAU, HERSHMAN, BRODEN, HOLDMAN, LANDSKE, ZAKAS, SIMPSON, TAYLOR**

**Sponsor(s): CLERE**

**Citations Affected: IC 6-1.1-10-44**

SEA 302 provides that the property tax exemption for qualified enterprise information technology equipment applies only to property located in a high technology district area designated by the fiscal body of the county or municipality. It specifies the procedure for the designation of such an area. The act provides that an entity that leases qualified property for use in a facility or data center dedicated to computing, networking, or data storage activities is also eligible for the exemption. The act also requires that at least \$10,000,000 must be invested in the facility or data center after June 30, 2012, by the entity entering into the agreement for the exemption and by the lessor of the qualified property (if the business is a lessee) and all lessees of qualified property. The act's provisions are effective July 1, 2012. (CCR#1; 50-0)

## **SEA 345 STATEWIDE 911 SYSTEM**

**Author(s): HERSHMAN, WYSS, CHARBONNEAU, SIMPSON, TALLIAN**

**Sponsor(s): THOMPSON**

**Citations Affected: IC 4-23-24.2-5; IC 5-26-1-5; IC 6-3.5-1.1-25; IC 6-3.5-6-31;  
IC 6-8.1-15-13; IC 24-5-22-10; IC 34-30-2-156; IC 35-45-5-4.7; IC 35-51-36-1;  
IC 36-7-4-405; IC 36-8-16; IC 36-8-16.5; IC 36-8-16.6-1; IC 36-8-16.6-5;  
IC 36-8-16.6-11; IC 36-8-16.6-13; IC 36-8-16.6-18; IC 36-8-16.6-20; IC 36-8-  
16.6-22; IC 36-8-16.7; IC 36-8-21**

SEA 345 concerns the statewide 911 system and includes the following provisions:

- Requires the Indiana Advisory Commission on Intergovernmental Relations to:
  - study the appropriate roles and responsibilities of the state and various political subdivisions in providing 911 and enhanced 911 services in Indiana; and
  - report its findings and recommendations to the Legislative Council and the Budget Committee by November 1, 2012.
- Amends the statute concerning deceptive commercial electronic mail to provide that a communications service provider is not subject to a civil lawsuit for a violation of the statute;
- Repeals the statutes concerning:
  - the emergency telephone system fee (assessed by counties or municipalities for enhanced 911 service for users of wireline telephone service);
  - enhanced wireless emergency telephone service (and the related fee assessed statewide on users of wireless service to provide for enhanced 911 service); and
  - emergency telephone notification systems.
- Effective upon passage, requires the Wireless Enhanced 911 Advisory Board to increase the amount of the prepaid wireless charge so that the amount of the charge imposed after June 30, 2012, equals \$0.50.
- Effective upon passage, repeals the provision that provides for the expiration and sunset on July 1, 2013 (if certain conditions are met), of the statute establishing the enhanced prepaid wireless charge. It establishes a statewide 911 system (which does not include a wireline enhanced emergency telephone system funded at the county level before the act's repeal of the statute governing the Wireline Enhanced Emergency 911 Fee on July 1, 2012).
- Establishes the 13-member Statewide 911 Board to administer the new system. It makes the Treasurer of State serve as the chair of the Board, and provides that the Board may do the following in addition to other enumerated powers:
  - administer statewide 911 grants in accordance with state and federal guidelines.
  - obtain from each PSAP operating statistics and other performance measurements.
- With respect to the purchase of communications service or equipment by the Board, it provides that:
  - a contract for such a purchase must be awarded through an invitation for bids or a request for proposals; and
  - the Board must enter into a cooperative agreement with the Indiana Department of Administration for the Department to administer such a purchase using the Department's purchasing agents.
- Provides that the Board shall be considered a state agency for purposes of the statute governing the Indiana Transparency Internet web site.

- Establishes the Statewide 911 Fund, and provides that the Fund is considered a trust fund and that no transfers may be made from the Fund by the State Board of Finance or the Budget Agency.
- Appropriates money in the Fund, and states that the Board shall administer the Fund. It provides that the Treasurer of State may invest money in the Fund, and requires the State Board of Accounts to audit the Fund annually.
- The act requires the Board to impose a monthly Statewide 911 Fee on each standard user of communications service in Indiana, and provides that the amount of the initial fee is \$0.90. The act provides that the following users of communications service are exempt from the fee:
  - the federal government or a federal agency.
  - the state or a state agency or instrumentality.
  - a political subdivision or an agency of a political subdivision.
  - a user that accesses communications service solely through a wireless data-only service plan.
- Requires communications service providers to collect the fee as part of the monthly billing process, and requires the Board to deposit the fees collected into the Fund. The act provides that the fee may not be raised or lowered more than one time in a calendar year. It provides that the fee:
  - may not be raised or lowered more than \$0.10 without legislative approval; and
  - may not be raised by \$0.10 or less without review by the Budget Committee. This act prohibits a state agency or a local governmental unit from imposing any additional fee relating to the provision of 911 service.
- It provides that the Board shall require a provider to report to the Board, on at least an annual basis, the amount of fees collected from all of the provider's standard customers and remitted to the Board.
- Allows the Board to retain in each state fiscal year the lesser of:
  - 10% of the statewide 911 fees deposited in the Fund in the previous state fiscal year; or
  - the amount of fees deposited in the Fund in the previous state fiscal year that would provide for the operating expenses of the statewide 911 system during the state fiscal year for which the fees are retained; to recover the Board's administrative expenses and to develop, operate, and maintain a statewide 911 system.
- Specifies how the Board must distribute money from the Fund to counties. It provides that in determining a distribution from the Fund for a county for any state fiscal year beginning after June 30, 2012, the Board shall ensure that the distribution is at least equal to the average annual amount distributed to the county in wireless 911 fees and to all PSAPs in the county in wireline 911 fees during the three state fiscal years ending:
  - June 30, 2009;
  - June 30, 2010; and
  - June 30, 2011; increased by a percentage that does not exceed the percent of increase in the Consumer Price Index during the preceding twelve months.
- Provides that if any statewide 911 fees remain in the Fund after these ensured distributions, the Board shall distribute the fees as follows:
  - 90% of the fees shall be distributed to the counties based upon each county's percentage of the state's population.
  - 10% of the fees shall be distributed equally among the counties.

- Specifies the permissible uses of funds distributed to a PSAP and requires each PSAP to annually report to the Board all call data and statistics specified by the Board. It provides that if the Board verifies that an expenditure by a PSAP does not comply with the statute, the Board shall ensure that the Fund is reimbursed in the dollar amount of the non-complying expenditure from any source of funding available to the PSAP or to a unit in which the PSAP is located.
- Requires a communications service provider to provide to a PSAP the necessary user data to enable the PSAP to implement and operate a 911 system and provides that proprietary information submitted to the Board is confidential.
- Allows a county to establish an emergency notification system with the approval of the Board.
- Retains those provisions from the repealed statute concerning enhanced wireless emergency telephone service that provide that after December 31, 2014, a county may not contain more than two PSAPs. It provides that after December 31, 2014, if a county contains more than two PSAPs, the county may not receive a distribution from the fund until the county contains no more than the authorized number of PSAPs.
- Requires the State Board of Accounts and the Board to submit certain reports concerning the fund and the use of statewide 911 fees by PSAPs to the Budget Committee for the two calendar years ending:
  - December 31, 2013; and
  - December 31, 2014, and
  - requires the Budget Committee to review the statewide 911 system for the same two calendar years.
- Requires the Budget Committee to submit a report to the Legislative Council by June 1, 2015 that includes a recommendation as to whether the statewide 911 fee should continue to be assessed and collected after June 30, 2015.
- Provides that if the Budget Committee does not recommend that the statewide 911 fee should continue to be assessed and collected after June 30, 2015, the statewide 911 fee expires July 1, 2015, and may not be collected or assessed after June 30, 2015.
- Specifies that funds that remain on June 30, 2012, in the Wireless Emergency Telephone System Fund shall be transferred on July 1, 2012, to the Statewide 911 Fund.
- Effective upon passage, provides that funds that remain on June 30, 2012, in:
  - a county wireless emergency telephone system fund; or
  - a county wireline emergency telephone system fund; shall be transferred on July 1, 2012, by the county treasurer to the new county 911 fund required to be set aside by the county treasurer under the act.

Except as noted above, all provisions are effective July 1, 2012. (RC# 363; CCR#1; 44-6)

## Utilities & Technology

### **HEA 1112 TELECOMMUNICATIONS PROVIDERS OF LAST RESORT**

**Author(s): LEHMAN, DELANEY, VANNATTER, STEVENSON**

**Sponsor(s): HERSHMAN, HOLDMAN**

**Citations Affected: IC 8-1-32.4-3.2; IC 8-1-32.6-3; IC 8-1-32.4-5**

HEA 1112 is a law concerning telecommunications providers of last resort. The act amends the Indiana Code to update references to federal telecommunications law that has been made obsolete due to federal amendments. It repeals a statute that required the Indiana Utility Resource Commission (IURC) to determine in certain situations, a new telephone company in an area where another company stops its operations. The act allows the IURC to declare an emergency in an area where telephone service is not offered by any providers and authorize a provider to offer that service in the area through any available technology. The act provides upon notice by the IURC, a telephone company that is acting as the provider of last resort in an area may be relieved of its obligation when there are at least two communications service providers in the area. The act further provides that after June 30, 2014, telecommunications companies who are providers of last resort in one or more parts of their service area may contact the IURC to be relieved of that obligation with respect to the area specified. Finally, the act provides that relief from this obligation does not affect an incumbent telecommunications company's obligation under federal law. (RC# 196; 3<sup>rd</sup> Rdg; 44-6)

### **HEA 1117 REGIONAL WATER, SEWAGE OR WASTE DISTRICTS & UTILITIES**

**Author(s): WOLKINS, LEHE**

**Sponsor(s): GARD, LEISING, TALLIAN**

**Citations Affected: IC 8-1-2-125; IC 13-11-2-199.5**

HEA 1117 changes regional water, sewage, or waste districts and utility law in the Indiana Code. The act provides not-for-profit sewer utilities that use eminent domain to acquire an easement or right-of-way may not exceed 50 feet. The law defines that the following are not a not-for-profit utility:

- A conservancy district.
- A utility owned, operated, or held in trust by a consolidated city.
- A regional water, sewage or solid waste district.

The act requires notice and a hearing before a petition may be filed to establish a district. It establishes requirements for appointment to the board of trustees of a district. It provides that a district or utility may not require a property owner to connect to the district's or utility's sewer system under certain conditions for ten years. The act allows the property owner to apply for two five year extensions, and limits to \$100 the daily penalty for failing to connect to a sewer system. The act provides that if a district uses a flat charge to determine a rate or charge for a sewage works, the district must provide a written summary of how the flat charge was calculated. It allows a campground or youth camp to be billed for sewage service at a flat rate or by installing a meter to measure the actual amount of sewage. It provides that, for billing purposes, a bed at a youth camp equals 1/8 residential equivalent unit. It establishes a procedure by which a ratepayer may object to initial rates and charges established by a district. The act provides a sewer lien that is the only lien on a property may not be foreclosed. It requires a health officer to verify the existence of unlawful conditions that transmit, generate, or promote disease before ordering their



abatement. It provides that a person who provides false information to a health officer commits a Class C infraction. The act requires a local health department to notify an applicant for a residential septic system permit of the existence of a district, and provides that a homeowner may include in a residential sales disclosure form information relating to a district. (RC#297; 3<sup>rd</sup> Rdg. 33-17)

#### **HEA 1126 WATER AND WASTEWATER ISSUES**

**Author(s): FRIZZELL, PIERCE, LUTZ, SULLIVAN**

**Sponsor(s): MERRITT, BRAY, RANDOLPH**

**Citations Affected: IC 8-1.5-3-8.1; IC 5-3-1; IC 5-3-1-9; IC 36-9-23-26.1;  
IC 8-1.5-3-8.2**

HEA 1126 provides that a municipality that operates a water, wastewater, or combined water and wastewater utility, or users of the utility's works whose property is located outside the corporate boundaries of the municipality; may petition the IURC under certain circumstances for review and revision of the rates and charges imposed by ordinance on the users. The act requires the IURC to prescribe the form and content of the petition, and provides that a petition is dismissed and the underlying ordinance takes effect if the IURC does not approve or disapprove the petition within 120 days. It authorizes the IURC to adopt rules, and provides that certain requirements for trustees of a regional sewage district apply only to a district established in response to an agreed order entered into after December 31, 1982. (RC# 360; CCR# 1; 45-4)

#### **HEA 1201 STATE PROVISIONS AND USE OF COMMUNICATION SERVICES**

**Author(s): DERMODY**

**Sponsor(s): HOLDMAN, MERRITT, RANDOLPH**

**Citations Affected: IC 8-1-32.7; IC 8-1-32.5-3; IC 8-1-32.5-4;  
IC 21-28-5; IC 21-28-5-14**

HEA 1201 provides that after March 31, 2012, the I- Light network may not be used to offer or provide, either directly or indirectly, a communications service to the public or to any private or governmental entity. The act provides exceptions to this prohibition to allow for the following:

- The provision of communications service for 911 services or emergency or law enforcement purposes.
- The provision of communications service to institutions of higher education in furtherance of education or research for the direct benefit of students, faculty, or staff, and, under certain conditions, to other persons with a research and development relationship with the institution.
- The provision of communications service for the direct benefit of public broadcasting.

The act further provides that after March 31, 2012, a person that is not a state educational institution or a private postsecondary educational institution may not become a member of the I-Light network or otherwise connect to or use the I-Light network or any services made available through I-Light. (RC# 251; 3<sup>rd</sup> Rdg; 49-0)

## **SEA 212      UTILITY FACILITY RELOCATION**

**Author(s):    GARD, LEISING, RANDOLPH, KRUSE**

**Sponsor(s):   CHERRY, LEHMAN**

**Citations Affected:   IC 8-23-2-5; IC 8-17-7; IC 4-22-2**

SEA 212 requires that the Indiana Department of Transportation (INDOT) to amend its rules concerning utility facility relocation to require utilities to provide contact information for authorized representatives for purposes of highway and local improvement projects. The act requires INDOT to publish and update an electronic database of authorized utility representatives for purposes of utility facility relocation. The act further urges the Legislative Council to assign to the Regulatory Flexibility Committee the task of studying utility facility relocation in local improvement projects. (RC# 66; 3<sup>rd</sup> Rdg; 50-0)

## **Veto Action**

The General Assembly reviewed the following Governor's vetoes of two bills enacted by the 2011 session. Both vetoes were sustained by the House of origin and do not become law.

## **HEA 1177      BOARDS OF TRUSTEES FOR UNIVERSITIES**

**Author(s):    Foley, Koch, Welch, Pierce**

**Sponsor(s):   Bray, Simpson, Wyss**

**Citations Affected:   IC 21-19-3-4; IC 21-20-3-2; IC 21-20-3-6; IC 21-20-3-8;  
IC 21-20-3-9**

HEA 1177 modifies the manner in which alumni members of the Indiana University Board of Trustees are elected. The act requires all of the members of the Board of Trustees for Indiana University to be citizens of the United States. The act requires a majority of the members of the Board of Trustees for Indiana University to be residents of Indiana. The act allows the Board of Trustees to hold meetings at the dates, times, and places the board of trustees agrees upon. The act repeals a provision concerning emergency appointments to the Board of Trustees of Indiana University. The act requires a majority of the members of the Board of Trustees of Ball State University to be residents of Indiana. (SRC #370-2011; 3<sup>rd</sup> Rdg; 48-1) (HRC #667-2011; Concur; 82-4)

### **Governor's veto message**

*"By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1177, enacted during the regular session of the 117th General Assembly, which would require that the majority of the members of the board of trustees of both Indiana University and Ball State University be residents of Indiana, and that all members of the I.U. board be citizens of the United States.*

*While in practice this may always be the case, to require it by law expresses a narrow and provincial outlook inconsistent with the global role and stature we hope these schools will aspire to and attain. Also, the day may well come when these world-class institutions will want to include illustrious alumni from around the globe on their boards. The universities should not be denied such opportunities, nor future governors prohibited from making such appointments."*

The House vote to override the veto failed, thus the veto was sustained. (HRC# 407; 25 yeas; 68 nays)

Legislation was approved this session that changes the requirements of the Ball State and Indiana University boards of trustees. (*For further information, please refer to the section on Higher Education.*)

## **SEA 215      FORFEITURE**

**Author(s):    Bray, Arnold, Randolph**

**Sponsor(s):    Foley**

**Citations Affected:    IC 34-24-1-3; IC 35-41-4-2; IC 34-24-1-4**

SEA 215 requires counties to create an asset forfeiture account and provides that, in a forfeiture proceeding, one-third of the proceeds may be provided to the prosecuting attorney or an attorney retained by the prosecuting attorney in a forfeiture action, unless the prosecuting attorney has declined a request from the State Police Department to transfer the forfeiture to federal jurisdiction, in which case 20 percent of the proceeds but no more than \$5,000 may be transferred to the prosecuting attorney. The act provides that of the remaining proceeds, 15 percent shall be provided to the common school fund and 85 percent shall be distributed to an account for distribution to law enforcement agencies participating in the seizure as necessary law enforcement expenses. The act specifies that money or the proceeds of seized property placed in a county asset forfeiture account may be disbursed only by action of the county legislative body under a claim submitted by a law enforcement agency or prosecuting attorney, and must be disbursed pursuant to an interlocal agreement, if applicable. The act permits a prosecuting attorney to retain an attorney to bring a forfeiture action only if the attorney general reviews the compensation agreement between the prosecuting attorney and the retained attorney, and requires that the compensation agreement with the attorney be capped at: (1) 33 1/3 percent of the first \$10,000 of the amount of the proceeds or money obtained; (2) 25 percent of the part of the amount between \$10,000 and \$100,000; and (3) 20 percent of the part of the amount that is at least \$100,000; unless a court finds that the forfeiture action is unusually complex. The act requires a court to notify the Indiana criminal justice institute of the amount and manner of a forfeiture distribution. The act provides that a prosecuting attorney or deputy prosecuting attorney who engages in a forfeiture action for the prosecuting attorney's office may not receive a contingency fee. (SRC #501-2011; CCR #1; 45-5) (HRC #709-2011; CCR #1; 53-43)

### **Governor's veto message**

*"By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto Senate Enrolled Act 215, enacted during the regular session of the 117th General Assembly, as violative of the Indiana constitution, which provides that the proceeds from "all forfeitures" shall go to the Common School fund.*

*The Indiana Supreme Court, on April 27, reinforced that point, possibly excepting the "limited diversion" of the actual expenses of obtaining those proceeds. Fairness to the General Assembly requires noting that legislators did not have the benefit of the court's opinion, which was issued in the session's final days."*

This act would take more than ninety cents of every dollar collected through forfeiture for the “expense of collection” rather than sending it to the Common School fund. That is unwarranted as policy and constitutionally unacceptable in light of the Supreme Court’s recent guidance and the plain language of Article 8, Section 2 of the state constitution.

The Senate vote to override the veto failed, thus the veto was sustained. (SRC# 346; 14 yeas; 36 nays)

# Enrolled Act Number to Public Law Number Table

*prepared by*  
**OFFICE OF CODE REVISION**  
**LEGISLATIVE SERVICES AGENCY**  
**200 West Washington Street, Suite 301**

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<b>Enrolled Act Number</b>	<b>Public Law Number</b>	<b>Enrolled Act Number</b>	<b>Public Law Number</b>
SEA 1 . . . . .	P.L.161-2012	SEA 168 . . . . .	P.L.19-2012
SEA 4 . . . . .	P.L.1-2012	SEA 173 . . . . .	P.L.61-2012
SEA 13 . . . . .	P.L.3-2012	SEA 175 . . . . .	P.L.121-2012
SEA 15 . . . . .	P.L.110-2012	SEA 176 . . . . .	P.L.62-2012
SEA 18 . . . . .	P.L.111-2012	SEA 182 . . . . .	P.L.88-2012
SEA 19 . . . . .	P.L.112-2012	SEA 190 . . . . .	P.L.156-2012
SEA 22 . . . . .	P.L.113-2012	SEA 191 . . . . .	P.L.43-2012
SEA 24 . . . . .	P.L.28-2012	SEA 192 . . . . .	P.L.89-2012
SEA 26 . . . . .	P.L.114-2012	SEA 193 . . . . .	P.L.90-2012
SEA 32 . . . . .	P.L.115-2012	SEA 201 . . . . .	P.L.91-2012
SEA 52 . . . . .	P.L.116-2012	SEA 212 . . . . .	P.L.5-2012
SEA 56 . . . . .	P.L.29-2012	SEA 223 . . . . .	P.L.122-2012
SEA 97 . . . . .	P.L.117-2012	SEA 224 . . . . .	P.L.123-2012
SEA 98 . . . . .	P.L.30-2012	SEA 225 . . . . .	P.L.20-2012
SEA 107 . . . . .	P.L.118-2012	SEA 231 . . . . .	P.L.21-2012
SEA 109 . . . . .	P.L.31-2012	SEA 233 . . . . .	P.L.124-2012
SEA 111 . . . . .	P.L.32-2012	SEA 237 . . . . .	P.L.63-2012
SEA 113 . . . . .	P.L.60-2012	SEA 246 . . . . .	P.L.44-2012
SEA 114 . . . . .	P.L.33-2012	SEA 249 . . . . .	P.L.22-2012
SEA 115 . . . . .	P.L.119-2012	SEA 255 . . . . .	P.L.45-2012
SEA 119 . . . . .	P.L.34-2012	SEA 256 . . . . .	P.L.23-2012
SEA 127 . . . . .	P.L.35-2012	SEA 257 . . . . .	P.L.125-2012
SEA 128 . . . . .	P.L.36-2012	SEA 259 . . . . .	P.L.24-2012
SEA 131 . . . . .	P.L.37-2012	SEA 262 . . . . .	P.L.126-2012
SEA 132 . . . . .	P.L.87-2012	SEA 267 . . . . .	P.L.46-2012
SEA 133 . . . . .	P.L.38-2012	SEA 268 . . . . .	P.L.64-2012
SEA 144 . . . . .	P.L.155-2012	SEA 271 . . . . .	P.L.47-2012
SEA 147 . . . . .	P.L.120-2012	SEA 273 . . . . .	P.L.92-2012
SEA 148 . . . . .	P.L.4-2012	SEA 274 . . . . .	P.L.93-2012
SEA 152 . . . . .	P.L.39-2012	SEA 275 . . . . .	P.L.127-2012
SEA 154 . . . . .	P.L.40-2012	SEA 283 . . . . .	P.L.65-2012
SEA 156 . . . . .	P.L.41-2012	SEA 286 . . . . .	P.L.48-2012
SEA 157 . . . . .	P.L.42-2012	SEA 287 . . . . .	P.L.128-2012

SEA 293 ..... P.L.157-2012  
 SEA 296 ..... P.L.129-2012  
 SEA 298 ..... P.L.130-2012  
 SEA 301 ..... P.L.66-2012  
 SEA 302 ..... P.L.158-2012  
 SEA 307 ..... P.L.49-2012  
 SEA 309 ..... P.L.67-2012  
 SEA 311 ..... P.L.131-2012  
 SEA 315 ..... P.L.94-2012  
 SEA 329 ..... P.L.50-2012  
 SEA 330 ..... P.L.25-2012  
 SEA 345 ..... P.L.132-2012  
 SEA 362 ..... P.L.51-2012  
 SEA 370 ..... P.L.95-2012  
 SEA 378 ..... P.L.52-2012  
 SEA 402 ..... P.L.53-2012  
 SEA 407 ..... P.L.159-2012  
 HEA 1001 ..... P.L.2-2012  
 HEA 1002 ..... P.L.133-2012  
 HEA 1003 ..... P.L.134-2012  
 HEA 1004 ..... P.L.96-2012  
 HEA 1005 ..... P.L.135-2012  
 HEA 1009 ..... P.L.6-2012  
 HEA 1015 ..... P.L.68-2012  
 HEA 1016 ..... P.L.7-2012  
 HEA 1018 ..... P.L.10-2012  
 HEA 1033 ..... P.L.69-2012  
 HEA 1034 ..... P.L.11-2012  
 HEA 1040 ..... P.L.70-2012  
 HEA 1047 ..... P.L.12-2012  
 HEA 1049 ..... P.L.136-2012  
 HEA 1050 ..... P.L.13-2012  
 HEA 1052 ..... P.L.14-2012  
 HEA 1054 ..... P.L.71-2012  
 HEA 1058 ..... P.L.26-2012  
 HEA 1059 ..... P.L.54-2012  
 HEA 1060 ..... P.L.15-2012  
 HEA 1065 ..... P.L.55-2012  
 HEA 1072 ..... P.L.137-2012  
 HEA 1080 ..... P.L.72-2012  
 HEA 1090 ..... P.L.56-2012  
 HEA 1091 ..... P.L.73-2012  
 HEA 1092 ..... P.L.74-2012  
 HEA 1107 ..... P.L.16-2012  
 HEA 1112 ..... P.L.8-2012  
 HEA 1116 ..... P.L.57-2012

HEA 1117 ..... P.L.97-2012  
 HEA 1123 ..... P.L.138-2012  
 HEA 1126 ..... P.L.139-2012  
 HEA 1128 ..... P.L.98-2012  
 HEA 1129 ..... P.L.99-2012  
 HEA 1134 ..... P.L.140-2012  
 HEA 1141 ..... P.L.58-2012  
 HEA 1148 ..... P.L.9-2012  
 HEA 1149 ..... P.L.141-2012  
 HEA 1154 ..... P.L.17-2012  
 HEA 1163 ..... P.L.75-2012  
 HEA 1169 ..... P.L.142-2012  
 HEA 1171 ..... P.L.143-2012  
 HEA 1173 ..... P.L.76-2012  
 HEA 1186 ..... P.L.77-2012  
 HEA 1189 ..... P.L.144-2012  
 HEA 1192 ..... P.L.145-2012  
 HEA 1195 ..... P.L.146-2012  
 HEA 1196 ..... P.L.78-2012  
 HEA 1200 ..... P.L.147-2012  
 HEA 1201 ..... P.L.79-2012  
 HEA 1205 ..... P.L.148-2012  
 HEA 1207 ..... P.L.100-2012  
 HEA 1211 ..... P.L.18-2012  
 HEA 1212 ..... P.L.80-2012  
 HEA 1216 ..... P.L.59-2012  
 HEA 1220 ..... P.L.101-2012  
 HEA 1226 ..... P.L.81-2012  
 HEA 1237 ..... P.L.82-2012  
 HEA 1238 ..... P.L.102-2012  
 HEA 1239 ..... P.L.27-2012  
 HEA 1247 ..... P.L.103-2012  
 HEA 1249 ..... P.L.104-2012  
 HEA 1250 ..... P.L.105-2012  
 HEA 1258 ..... P.L.149-2012  
 HEA 1264 ..... P.L.106-2012  
 HEA 1269 ..... P.L.150-2012  
 HEA 1270 ..... P.L.107-2012  
 HEA 1273 ..... P.L.83-2012  
 HEA 1279 ..... P.L.151-2012  
 HEA 1280 ..... P.L.152-2012  
 HEA 1283 ..... P.L.84-2012  
 HEA 1294 ..... P.L.85-2012  
 HEA 1298 ..... P.L.108-2012  
 HEA 1312 ..... P.L.86-2012  
 HEA 1325 ..... P.L.153-2012



HEA 1360 ..... P.L.154-2012  
HEA 1367 ..... P.L.109-2012  
HEA 1376 ..... P.L.160-2012

## INDIANA STATE SENATE

Roll Call Number: 7

Date: 01/10/2012  
Time: 2:54:46 PM

**SB 4**  
Head  
3rd Reading  
Human trafficking.

Presiding: President

YEAS - 48    NAYS - 0    EXCUSED - 2

PASSED

## YEAS - 48

Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Hume	Nugent	Waltz
Broden	Kenley	Paul	Waterman
Buck	Kruse	Randolph	Wyss
Charbonneau	Lanane	Rogers	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

## NAYS - 0

## EXCUSED - 2

Alting	Smith
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## INDIANA STATE SENATE

Roll Call Number: 16

Date: 01/19/2012  
Time: 3:52:31 PM

**SB 133**  
Gard  
3rd Reading  
Underground storage tanks.

Presiding: President

YEAS - 48    NAYS - 0    NOT VOTING - 1    EXCUSED - 1

PASSED

## YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

## NAYS - 0

## NOT VOTING - 1

Bray
------

## EXCUSED - 1

Young, M
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## INDIANA STATE SENATE

Roll Call Number: 19

Date: 01/19/2012  
Time: 4:01:17 PM

**SB 191**  
Charbonneau  
3rd Reading  
Local government investments.

Presiding: President

YEAS - 48    NAYS - 0    NOT VOTING - 1    EXCUSED - 1

PASSED

## YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Breaux	Hume	Nugent	Walker
Broden	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

## NAYS - 0

## NOT VOTING - 1

Bray
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## EXCUSED - 1

Young, M
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## INDIANA STATE SENATE

Roll Call Number: 72

Date: 01/24/2012  
Time: 4:23:56 PM

**SB 301**  
Charbonneau  
3rd Reading  
Extra heavy duty highways.

Presiding: President

YEAS - 45    NAYS - 5

PASSED

## YEAS - 45

Alting	Gard	Merritt	Taylor
Arnold	Glick	Miller	Tomes
Banks	Grooms	Mishler	Walker
Becker	Head	Mrvan	Waltz
Boots	Hershman	Nugent	Waterman
Bray	Holdman	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Landske	Schneider	Zakas
Charbonneau	Lawson	Skinner	
Delph	Leising	Steele	
Eckerty	Long	Tallian	

## NAYS - 5

Hume	Simpson	Young, R
Lanane	Smith	

## INDIANA STATE SENATE

Roll Call Number: 85

Date: 01/30/2012  
Time: 3:25:03 PM**SB 231**Wyss  
3rd Reading

Contracting with persons that invest in Iran.

Presiding: President

**YEAS - 49      NAYS - 1****PASSED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 1**

Boots

## INDIANA STATE SENATE

Roll Call Number: 106

Date: 01/31/2012  
Time: 3:49:43 PM**SB 56**Eckerty  
3rd Reading  
Ball State board of trustees.

Presiding: President

**YEAS - 48      NAYS - 2****PASSED****YEAS - 48**

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Hume	Nugent	Waltz
Broden	Kenley	Paul	Waterman
Buck	Kruse	Randolph	Wyss
Charbonneau	Lanane	Rogers	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

**NAYS - 2**

Banks      Tallian

## INDIANA STATE SENATE

Roll Call Number: 107

Date: 01/31/2012  
Time: 3:55:17 PM**SB 83**Leising  
3rd Reading  
Cursive writing in school curriculum.

Presiding: President

**YEAS - 45      NAYS - 5****PASSED****YEAS - 45**

Alting	Glick	Miller	Tallian
Arnold	Grooms	Mishler	Taylor
Banks	Hershman	Mrvan	Tomes
Becker	Hume	Nugent	Waltz
Bray	Kenley	Paul	Waterman
Breaux	Kruse	Randolph	Wyss
Broden	Lanane	Rogers	Young, M
Buck	Landske	Schneider	Young, R
Charbonneau	Lawson	Simpson	Zakas
Delph	Leising	Skinner	
Eckerty	Long	Smith	
Gard	Merritt	Steele	

**NAYS - 5**

Boots	Holdman	Yoder
Head	Walker	

## INDIANA STATE SENATE

Roll Call Number: 108

Date: 01/31/2012  
Time: 4:14:47 PM**SB 89**Kruse  
3rd Reading  
Teaching of creation science.

Presiding: President

**YEAS - 28      NAYS - 22****PASSED****YEAS - 28**

Alting	Eckerty	Kenley	Mishler
Banks	Gard	Kruse	Schneider
Becker	Glick	Lawson	Smith
Bray	Head	Leising	Tomes
Buck	Hershman	Long	Waterman
Charbonneau	Holdman	Merritt	Wyss
Delph	Hume	Miller	Yoder

**NAYS - 22**

Arnold	Landske	Simpson	Waltz
Boots	Mrvan	Skinner	Young, M
Breaux	Nugent	Steele	Young, R
Broden	Paul	Tallian	Zakas
Grooms	Randolph	Taylor	
Lanane	Rogers	Walker	

## INDIANA STATE SENATE

Roll Call Number: 121

Date: 01/31/2012  
Time: 5:32:33 PM**SB 192**Charbonneau  
3rd Reading  
Sales of motorcycles on Sunday.

Presiding: President

**YEAS - 37      NAYS - 13****PASSED****YEAS - 37**Arnold  
Banks  
Becker  
Boots  
Broden  
Charbonneau  
Eckerty  
Gard  
Glick  
Grooms  
Head  
Hershman  
Holdman  
Hume  
Kenley  
Landske  
Lawson  
Leising  
Long  
MerrittMiller  
Mishler  
Mrvan  
Nugent  
Paul  
Randolph  
Rogers  
Schneider  
Simpson  
SteeleTallian  
Taylor  
Tomes  
Walker  
Waltz  
Waterman  
Zakas**NAYS - 13**Alting  
Bray  
Breaux  
Buck  
Delph  
Kruise  
Lanane  
SkinnerSmith  
Wyss  
Yoder  
Young, M

Young, R

## INDIANA STATE SENATE

Roll Call Number: 122

Date: 01/31/2012  
Time: 5:34:32 PM**SB 201**Miller  
3rd Reading  
Transfer of human organisms exemption.

Presiding: President

**YEAS - 47      NAYS - 3****PASSED****YEAS - 47**Alting  
Arnold  
Banks  
Becker  
Boots  
Bray  
Breaux  
Broden  
Buck  
Charbonneau  
Delph  
Eckerty  
Gard  
Glick  
Grooms  
Head  
Hershman  
Holdman  
Hume  
Kenley  
Kruise  
Lanane  
Landske  
LawsonLeising  
Long  
Merritt  
Miller  
Mishler  
Mrvan  
Nugent  
Paul  
Rogers  
Schneider  
Simpson  
SkinnerSmith  
Steele  
Tomes  
Walker  
Waltz  
Waterman  
Wyss  
Yoder  
Young, M  
Young, R  
Zakas**NAYS - 3**

Randolph

Tallian

Taylor

## INDIANA STATE SENATE

Roll Call Number: 129

Date: 01/31/2012  
Time: 6:14:21 PM**SB 236**Delph  
3rd Reading  
Various education matters.

Presiding: Long

**YEAS - 25      NAYS - 25****FAILED FOR LACK OF CONSTITUTIONAL MAJORITY****YEAS - 25**Banks  
Bray  
Buck  
Delph  
Eckerty  
Grooms  
Hume  
Kruise  
Landske  
Leising  
Mishler  
Mrvan  
Paul  
SchneiderSmith  
Steele  
Tallian  
Taylor  
Tomes  
Waltz  
WatermanYoder  
Young, M  
Young, R  
Zakas**NAYS - 25**Alting  
Arnold  
Becker  
Boots  
Breaux  
Broden  
Charbonneau  
Gard  
Glick  
Head  
Hershman  
Holdman  
Kenley  
LananeLawson  
Long  
Merritt  
Miller  
Nugent  
Randolph  
RogersSimpson  
Skinner  
Walker  
Wyss

## INDIANA STATE SENATE

Roll Call Number: 131

Date: 01/31/2012  
Time: 6:22:12 PM**SB 246**Bray  
3rd Reading  
Lab technician testimony in criminal cases.

Presiding: Long

**YEAS - 48      NAYS - 0      NOT VOTING - 2****PASSED****YEAS - 48**Alting  
Arnold  
Banks  
Becker  
Boots  
Bray  
Breaux  
Broden  
Buck  
Charbonneau  
Delph  
Eckerty  
Gard  
Glick  
Grooms  
Head  
Hershman  
Holdman  
Hume  
Kenley  
Kruise  
Lanane  
Landske  
LawsonLeising  
Long  
Merritt  
Miller  
Mishler  
Mrvan  
Nugent  
Paul  
Rogers  
Schneider  
Simpson  
SkinnerSmith  
Steele  
Tallian  
Tomes  
Walker  
Waltz  
Waterman  
Wyss  
Yoder  
Young, M  
Young, R  
Zakas**NAYS - 0****NOT VOTING - 2**

Randolph

Taylor

## INDIANA STATE SENATE

Roll Call Number: 135

Date: 01/31/2012  
Time: 6:31:46 PM**SB 259**Alting  
3rd Reading  
School consolidation executive session.

Presiding: Long

**YEAS - 46      NAYS - 4****PASSED****YEAS - 46**

Alting	Gard	Miller	Taylor
Arnold	Glick	Mishler	Tomes
Banks	Grooms	Mrvan	Walker
Becker	Head	Nugent	Waltz
Boots	Hershman	Paul	Waterman
Bray	Holdman	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Simpson	Young, M
Buck	Landske	Skinner	Young, R
Charbonneau	Lawson	Smith	Zakas
Delph	Long	Steele	
Eckerty	Merritt	Tallian	

**NAYS - 4**

Hume	Lanane	Leising	Schneider
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## INDIANA STATE SENATE

Roll Call Number: 139

Date: 01/31/2012  
Time: 6:48:34 PM**SB 268**Rogers  
3rd Reading  
Advisory committee on early education.

Presiding: Long

**YEAS - 42      NAYS - 8****PASSED****YEAS - 42**

Alting	Grooms	Merritt	Tallian
Arnold	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kruse	Paul	Wyss
Buck	Lanane	Randolph	Yoder
Charbonneau	Landske	Rogers	Young, R
Eckerty	Lawson	Simpson	Zakas
Gard	Leising	Skinner	
Glick	Long	Steele	

**NAYS - 8**

Banks	Delph	Schneider	Walker
Boots	Kenley	Smith	Young, M

## INDIANA STATE SENATE

Roll Call Number: 157

Date: 01/31/2012  
Time: 7:42:24 PM**SB 330**Yoder  
3rd Reading  
Certified public accountants.

Presiding: Long

**YEAS - 49      NAYS - 1****PASSED****YEAS - 49**

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Skinner	
Eckerty	Leising	Smith	
Gard	Long	Steele	

**NAYS - 1**

Young, M

## INDIANA STATE SENATE

Roll Call Number: 161

Date: 02/01/2012  
Time: 11:49:28 AM**HB 1001**Yoder  
3rd Reading  
Employee's right to work.

Presiding: President

**YEAS - 28      NAYS - 22****PASSED****YEAS - 28**

Alting	Glick	Lawson	Schneider
Banks	Grooms	Leising	Smith
Boots	Head	Long	Walker
Buck	Hershman	Merritt	Wyss
Delph	Holdman	Miller	Yoder
Eckerty	Kenley	Mishler	Young, M
Gard	Kruse	Paul	Zakas

**NAYS - 22**

Arnold	Hume	Rogers	Tomes
Becker	Lanane	Simpson	Waltz
Bray	Landske	Skinner	Waterman
Breaux	Mrvan	Steele	Young, R
Broden	Nugent	Tallian	
Charbonneau	Randolph	Taylor	

# INDIANA STATE SENATE

Roll Call Number: 180

Date: 02/01/2012  
Time: 2:28:39 PM

**SB 378**  
Simpson  
3rd Reading  
Conservancy district contracts.

Presiding: Long

**YEAS - 49      NAYS - 0      EXCUSED - 1**

**PASSED**

## YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

## NAYS - 0

## EXCUSED - 1

Mishler

# INDIANA STATE SENATE

Roll Call Number: 190

Date: 02/13/2012  
Time: 2:28:09 PM

**HB 1016**  
Mishler  
3rd Reading  
Design-build projects.

Presiding: President

**YEAS - 47      NAYS - 0      EXCUSED - 3**

**PASSED**

## YEAS - 47

Alting	Gard	Long	Tallian
Arnold	Glick	Merritt	Taylor
Banks	Grooms	Miller	Tomes
Becker	Head	Mishler	Walker
Boots	Hershman	Mrvan	Waltz
Bray	Holdman	Randolph	Waterman
Breaux	Hume	Rogers	Wyss
Broden	Kenley	Schneider	Yoder
Buck	Kruse	Simpson	Young, M
Charbonneau	Landske	Skinner	Young, R
Delph	Lawson	Smith	Zakas
Eckerty	Leising	Steele	

## NAYS - 0

## EXCUSED - 3

Lanane      Nugent      Paul

# INDIANA STATE SENATE

Roll Call Number: 194

Date: 02/14/2012  
Time: 2:17:47 PM

**HB 1015**  
Bray  
3rd Reading  
Cemetery access.

Presiding: President

**YEAS - 49      NAYS - 0      NOT VOTING - 1**

**PASSED**

## YEAS - 49

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

## NAYS - 0

## NOT VOTING - 1

Simpson

# INDIANA STATE SENATE

Roll Call Number: 196

Date: 02/14/2012  
Time: 2:21:32 PM

**HB 1112**  
Hershman  
3rd Reading  
Telecommunications providers of last resort.

Presiding: President

**YEAS - 44      NAYS - 6**

**PASSED**

## YEAS - 44

Alting	Gard	Lawson	Schneider
Arnold	Glick	Leising	Smith
Banks	Grooms	Long	Steele
Boots	Head	Merritt	Tallian
Bray	Hershman	Miller	Taylor
Breaux	Holdman	Mishler	Walker
Broden	Hume	Mrvan	Waltz
Buck	Kenley	Nugent	Wyss
Charbonneau	Kruse	Paul	Yoder
Delph	Lanane	Randolph	Young, M
Eckerty	Landske	Rogers	Zakas

## NAYS - 6

Becker      Skinner      Waterman  
Simpson      Tomes      Young, R



## INDIANA STATE SENATE

Roll Call Number: 198

Date: 02/14/2012  
Time: 2:39:50 PM**HB 1163**Banks  
3rd Reading  
Bonding and retainage in public works projects.

Presiding: President

**YEAS - 38      NAYS - 12****PASSED****YEAS - 38**

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Young, R
Delph	Landske	Smith	Zakas
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

**NAYS - 12**

Arnold	Hume	Randolph	Skinner
Breaux	Lanane	Rogers	Tallian
Broden	Mrvan	Simpson	Taylor

## INDIANA STATE SENATE

Roll Call Number: 202

Date: 02/16/2012  
Time: 2:35:00 PM**HB 1034**Paul  
3rd Reading  
Historic cemeteries.

Presiding: Long

**YEAS - 49      NAYS - 0      EXCUSED - 1****PASSED****YEAS - 49**

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

**NAYS - 0****EXCUSED - 1**

Nugent

## INDIANA STATE SENATE

Roll Call Number: 203

Date: 02/16/2012  
Time: 2:38:13 PM**HB 1312**R. Young  
3rd Reading  
Sale of poultry at farmer's markets.

Presiding: Long

**YEAS - 49      NAYS - 0      EXCUSED - 1****PASSED****YEAS - 49**

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

**NAYS - 0****EXCUSED - 1**

Nugent

## INDIANA STATE SENATE

Roll Call Number: 207

Date: 02/20/2012  
Time: 2:50:59 PM**HB 1154**Hershman  
3rd Reading  
Local purchasing and public works preferences.

Presiding: President

**YEAS - 47      NAYS - 3****PASSED****YEAS - 47**

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tomes
Becker	Head	Miller	Walker
Boots	Hershman	Mishler	Waltz
Bray	Holdman	Mrvan	Waterman
Breaux	Hume	Nugent	Wyss
Broden	Kenley	Paul	Yoder
Buck	Kruse	Rogers	Young, M
Charbonneau	Lanane	Schneider	Young, R
Delph	Landske	Simpson	Zakas
Eckerty	Lawson	Skinner	

**NAYS - 3**

Randolph	Tallian	Taylor
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## INDIANA STATE SENATE

Roll Call Number: 215

Date: 02/21/2012  
Time: 3:33:20 PM**HB 1047**Kruse  
3rd Reading  
Education study committee.

Presiding: Long

**YEAS - 48      NAYS - 2****PASSED****YEAS - 48**

Alting	Gard	Long	Steele
Arnold	Glick	Merritt	Tallian
Banks	Grooms	Miller	Taylor
Becker	Head	Mishler	Tomes
Boots	Hershman	Mrvan	Walker
Bray	Holdman	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Young, R
Eckerty	Leising	Smith	Zakas

**NAYS - 2**

Hume      Skinner

## INDIANA STATE SENATE

Roll Call Number: 216

Date: 02/21/2012  
Time: 3:35:50 PM**HB 1050**Holdman  
3rd Reading  
Health care sharing ministries.

Presiding: Long

**YEAS - 48      NAYS - 2****PASSED****YEAS - 48**

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Lanane	Rogers	Young, M
Delph	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas

**NAYS - 2**

Skinner      Taylor

## INDIANA STATE SENATE

Roll Call Number: 218

Date: 02/21/2012  
Time: 3:40:48 PM**HB 1054**Charbonneau  
3rd Reading  
Alcoholic beverage matters.

Presiding: Long

**YEAS - 43      NAYS - 7****PASSED****YEAS - 43**

Alting	Grooms	Merritt	Steele
Arnold	Head	Mishler	Tallian
Banks	Hershman	Mrvan	Taylor
Boots	Holdman	Nugent	Tomes
Bray	Hume	Paul	Waltz
Breaux	Kenley	Randolph	Waterman
Broden	Lanane	Rogers	Wyss
Buck	Landske	Schneider	Yoder
Charbonneau	Lawson	Simpson	Young, R
Eckerty	Leising	Skinner	Young, R
Gard	Long	Smith	Zakas

**NAYS - 7**Becker      Glick      Miller      Young, M  
Delph      Kruse      Walker

## INDIANA STATE SENATE

Roll Call Number: 219

Date: 02/21/2012  
Time: 3:42:17 PM**HB 1060**Lawson  
3rd Reading  
Hazardous waste disposal tax.

Presiding: Long

**YEAS - 49      NAYS - 1****PASSED****YEAS - 49**

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

**NAYS - 1**

Skinner

## INDIANA STATE SENATE

Roll Call Number: 227

Date: 02/21/2012  
Time: 4:01:25 PM

**HB 1212**  
Merritt  
3rd Reading  
Blue lights on vehicles.

Presiding: Long

**YEAS - 47      NAYS - 3****PASSED****YEAS - 47**

Alting  
Arnold  
Banks  
Becker  
Boots  
Bray  
Breaux  
Brodén  
Buck  
Charbonneau  
Eckerty  
Gard

Glick  
Grooms  
Head  
Hershman  
Holdman  
Hume  
Kenley  
Krusé  
Lanane  
Landske  
Lawson  
Leising

Long  
Merritt  
Miller  
Mishler  
Mrvan  
Nugent  
Paul  
Randolph  
Rogers  
Schneider  
Simpson  
Skinner

Steele  
Tallian  
Taylor  
Walker  
Waltz  
Waterman  
Wyss  
Yoder  
Young, M  
Young, R  
Zakas

**NAYS - 3**

Delph

Smith

Tomes

## INDIANA STATE SENATE

Roll Call Number: 228

Date: 02/21/2012  
Time: 4:15:46 PM

**HB 1220**  
Leising  
3rd Reading  
Commission for higher education.

Presiding: Long

**YEAS - 39      NAYS - 11****PASSED****YEAS - 39**

Alting  
Banks  
Becker  
Boots  
Bray  
Buck  
Charbonneau  
Delph  
Eckerty  
Gard

Glick  
Grooms  
Head  
Hershman  
Holdman  
Kenley  
Krusé  
Lanane  
Landske  
Lawson

Leising  
Long  
Merritt  
Miller  
Mishler  
Nugent  
Paul  
Rogers  
Schneider  
Smith

Steele  
Tomes  
Walker  
Waltz  
Waterman  
Wyss  
Yoder  
Young, M  
Zakas

**NAYS - 11**

Arnold  
Breaux  
Brodén

Hume  
Mrvan  
Randolph

Simpson  
Skinner  
Tallian

Taylor  
Young, R

## INDIANA STATE SENATE

Roll Call Number: 230

Date: 02/21/2012  
Time: 4:34:13 PM

**HB 1250**  
Lawson  
3rd Reading  
State government nepotism.

Presiding: Long

**YEAS - 43      NAYS - 7****PASSED****YEAS - 43**

Alting  
Arnold  
Banks  
Becker  
Boots  
Bray  
Breaux  
Brodén  
Buck  
Charbonneau  
Delph

Eckerty  
Gard  
Glick  
Grooms  
Head  
Hershman  
Holdman  
Hume  
Krusé  
Lanane  
Landske

Lawson  
Leising  
Long  
Merritt  
Miller  
Mishler  
Mrvan  
Nugent  
Rogers  
Schneider  
Simpson

Smith  
Tallian  
Tomes  
Walker  
Waltz  
Wyss  
Yoder  
Young, M  
Young, R  
Zakas

**NAYS - 7**

Kenley  
Paul

Randolph  
Skinner

Steele  
Taylor

Waterman

## INDIANA STATE SENATE

Roll Call Number: 232

Date: 02/21/2012  
Time: 4:40:09 PM

**HB 1283**  
Gard  
3rd Reading  
Libraries and historic records.

Presiding: Long

**YEAS - 48      NAYS - 2****PASSED****YEAS - 48**

Alting  
Arnold  
Banks  
Becker  
Boots  
Bray  
Breaux  
Brodén  
Buck  
Charbonneau  
Delph  
Eckerty

Gard  
Glick  
Grooms  
Head  
Hershman  
Holdman  
Hume  
Kenley  
Krusé  
Lanane  
Landske  
Lawson

Leising  
Long  
Merritt  
Miller  
Mishler  
Mrvan  
Nugent  
Paul  
Randolph  
Rogers  
Schneider  
Simpson

Smith  
Steele  
Tallian  
Tomes  
Walker  
Waltz  
Waterman  
Wyss  
Yoder  
Young, M  
Young, R  
Zakas

**NAYS - 2**

Skinner

Taylor

## INDIANA STATE SENATE

Roll Call Number: 235

Date: 02/23/2012  
Time: 2:46:34 PM**HB 1004**Landske  
3rd Reading  
Various election law matters.

Presiding: Long

**YEAS - 31      NAYS - 19****PASSED****YEAS - 31**

Alting	Head	Merritt	Steele
Banks	Hershman	Miller	Walker
Buck	Holdman	Mishler	Waltz
Charbonneau	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Yoder
Eckerty	Landske	Paul	Young, M
Gard	Lawson	Schneider	Zakas
Glick	Long	Smith	

**NAYS - 19**

Arnold	Broden	Randolph	Taylor
Becker	Grooms	Rogers	Tomes
Boots	Hume	Simpson	Waterman
Bray	Lanane	Skinner	Young, R
Breaux	Leising	Tallian	

## INDIANA STATE SENATE

Roll Call Number: 236

Date: 02/23/2012  
Time: 2:48:59 PM**HB 1058**Boots  
3rd Reading  
Adoption of budget for reorganized school.

Presiding: Long

**YEAS - 48      NAYS - 1      NOT VOTING - 1****PASSED****YEAS - 48**

Alting	Gard	Long	Steele
Arnold	Glick	Merritt	Tallian
Banks	Grooms	Miller	Taylor
Becker	Head	Mrvan	Tomes
Boots	Hershman	Nugent	Walker
Bray	Holdman	Paul	Waltz
Breaux	Kenley	Randolph	Waterman
Broden	Kruse	Rogers	Wyss
Buck	Lanane	Schneider	Yoder
Charbonneau	Landske	Simpson	Young, M
Delph	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas

**NAYS - 1**

Hume

**NOT VOTING - 1**

Mishler

## INDIANA STATE SENATE

Roll Call Number: 237

Date: 02/23/2012  
Time: 2:50:48 PM**HB 1059**Paul  
3rd Reading  
Military family relief fund.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****PASSED****YEAS - 49**

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

**NAYS - 0****NOT VOTING - 1**

Mishler

## INDIANA STATE SENATE

Roll Call Number: 238

Date: 02/23/2012  
Time: 2:54:08 PM**HB 1207**Boots  
3rd Reading  
State civil service system.

Presiding: Long

**YEAS - 36      NAYS - 13      NOT VOTING - 1****PASSED****YEAS - 36**

Alting	Glick	Leising	Tomes
Banks	Grooms	Long	Walker
Boots	Head	Merritt	Waltz
Bray	Hershman	Miller	Waterman
Buck	Holdman	Nugent	Wyss
Charbonneau	Kenley	Paul	Yoder
Delph	Kruse	Schneider	Young, M
Eckerty	Landske	Smith	Young, R
Gard	Lawson	Steele	Zakas

**NAYS - 13**

Arnold	Hume	Rogers	Taylor
Becker	Lanane	Simpson	
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	

**NOT VOTING - 1**

Mishler

## INDIANA STATE SENATE

Roll Call Number: 239

Date: 02/23/2012  
Time: 3:02:31 PM**HB 1238**Holdman  
3rd Reading

Finding of abandonment for mortgaged property.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****PASSED****YEAS - 49**

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

**NAYS - 0****NOT VOTING - 1**

Mishler

## INDIANA STATE SENATE

Roll Call Number: 241

Date: 02/23/2012  
Time: 3:11:01 PM**HB 1298**Holdman  
3rd Reading

Transportation of food products.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****PASSED****YEAS - 49**

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mrvan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Hume	Randolph	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

**NAYS - 0****NOT VOTING - 1**

Mishler

## INDIANA STATE SENATE

Roll Call Number: 246

Date: 02/27/2012  
Time: 5:33:29 PM**HB 1005**Lawson  
3rd Reading  
Nepotism; conflict of interest.

Presiding: President

**YEAS - 30      NAYS - 19      EXCUSED - 1****PASSED****YEAS - 30**

Arnold	Gard	Merritt	Waltz
Becker	Grooms	Miller	Wyss
Boots	Hershman	Mishler	Yoder
Bray	Holdman	Mrvan	Young, M
Broden	Kruse	Rogers	Young, R
Charbonneau	Landske	Schneider	Zakas
Delph	Lawson	Smith	
Eckerty	Long	Walker	

**NAYS - 19**

Alting	Hume	Paul	Tallian
Breaux	Kenley	Randolph	Taylor
Buck	Lanane	Simpson	Tomes
Glick	Leising	Skinner	Waterman
Head	Nugent	Steele	

**EXCUSED - 1**

Banks

## INDIANA STATE SENATE

Roll Call Number: 248

Date: 02/27/2012  
Time: 6:00:32 PM**HB 1171**Wyss  
3rd Reading  
Relocation of new motor vehicle dealers.

Presiding: President

**YEAS - 26      NAYS - 23      EXCUSED - 1****PASSED****YEAS - 26**

Alting	Gard	Landske	Rogers
Boots	Glick	Lawson	Waltz
Bray	Grooms	Long	Wyss
Breaux	Head	Merritt	Young, M
Buck	Hershman	Miller	Zakas
Charbonneau	Holdman	Mrvan	
Eckerty	Kruse	Paul	

**NAYS - 23**

Arnold	Lanane	Simpson	Tomes
Becker	Leising	Skinner	Walker
Broden	Mishler	Smith	Waterman
Delph	Nugent	Steele	Yoder
Hume	Randolph	Tallian	Young, R
Kenley	Schneider	Taylor	

**EXCUSED - 1**

Banks

## INDIANA STATE SENATE

Roll Call Number: 251

Date: 02/27/2012  
Time: 6:18:47 PM**HB 1201**Holdman  
3rd Reading

State provision and use of communications service.

Presiding: President

**YEAS - 49      NAYS - 0      EXCUSED - 1****PASSED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****EXCUSED - 1**

Banks

## INDIANA STATE SENATE

Roll Call Number: 252

Date: 02/27/2012  
Time: 6:20:44 PM**HB 1226**Paul  
3rd Reading  
Insurance matters.

Presiding: President

**YEAS - 48      NAYS - 1      EXCUSED - 1****PASSED****YEAS - 48**

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Hume	Nugent	Waltz
Broden	Kenley	Paul	Waterman
Buck	Kruse	Randolph	Wyss
Charbonneau	Lanane	Rogers	Yoder
Delph	Landske	Schneider	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Smith	Zakas

**NAYS - 1**

Skinner

**EXCUSED - 1**

Banks

## INDIANA STATE SENATE

Roll Call Number: 253

Date: 02/27/2012  
Time: 6:23:12 PM**HB 1239**Paul  
3rd Reading  
Financial institutions and consumer credit.

Presiding: President

**YEAS - 49      NAYS - 0      EXCUSED - 1****PASSED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****EXCUSED - 1**

Banks

## INDIANA STATE SENATE

Roll Call Number: 262

Date: 02/28/2012  
Time: 2:51:45 PM**HB 1136**Holdman  
2nd Reading  
Child care ministry advisory committee.

Amend. #2 Taylor

Presiding: President

**YEAS - 19      NAYS - 30      NOT VOTING - 1****FAILED****YEAS - 19**

Arnold	Head	Randolph	Tallian
Becker	Hershman	Rogers	Taylor
Breaux	Hume	Simpson	Tomes
Broden	Lanane	Skinner	Young, R
Gard	Mrvan	Steele	

Alting	Glick	Merritt	Waltz
Banks	Grooms	Miller	Waterman
Boots	Holdman	Mishler	Wyss
Bray	Kenley	Nugent	Yoder
Buck	Kruse	Paul	Young, M
Charbonneau	Landske	Schneider	Zakas
Delph	Leising	Smith	
Eckerty	Long	Walker	

**NOT VOTING - 1**

Lawson



## INDIANA STATE SENATE

Roll Call Number: 265

Date: 02/29/2012  
Time: 11:54:09 AM**HB 1367**Lawson  
3rd Reading  
Deaf and hard of hearing education services.

Presiding: President

**YEAS - 40      NAYS - 8      NOT VOTING - 2****PASSED****YEAS - 40**

Alting	Eckerty	Landske	Schneider
Arnold	Gard	Lawson	Simpson
Banks	Glick	Leising	Smith
Boots	Grooms	Long	Steele
Bray	Head	Merritt	Tallian
Breaux	Hershman	Miller	Walker
Broden	Holdman	Mishler	Waltz
Buck	Kenley	Mrvan	Wyss
Charbonneau	Kruse	Paul	Young, R
Delph	Lanane	Randolph	Zakas

**NAYS - 8**

Becker	Skinner	Tomes	Yoder
Hume	Taylor	Waterman	Young, M

**NOT VOTING - 2**

Nugent	Rogers
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## INDIANA STATE SENATE

Roll Call Number: 266

Date: 02/29/2012  
Time: 11:57:56 AM**HB 1002**Lawson  
3rd Reading  
Elimination of commissions, boards, and committees.

Presiding: President

**YEAS - 44      NAYS - 4      NOT VOTING - 2****PASSED****YEAS - 44**

Alting	Gard	Lawson	Steele
Arnold	Glick	Leising	Tallian
Banks	Grooms	Long	Tomes
Becker	Head	Merritt	Walker
Boots	Hershman	Miller	Waltz
Bray	Holdman	Mishler	Waterman
Broden	Hume	Mrvan	Wyss
Buck	Kenley	Paul	Yoder
Charbonneau	Kruse	Schneider	Young, M
Delph	Lanane	Simpson	Young, R
Eckerty	Landske	Smith	Zakas

**NAYS - 4**

Breaux	Randolph	Skinner	Taylor
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**NOT VOTING - 2**

Nugent	Rogers
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## INDIANA STATE SENATE

Roll Call Number: 273

Date: 02/29/2012  
Time: 12:36:41 PM**HB 1091**Steele  
3rd Reading  
Agricultural operations.

Presiding: President

**YEAS - 36      NAYS - 14****PASSED****YEAS - 36**

Arnold	Gard	Lawson	Steele
Banks	Glick	Leising	Tomes
Becker	Grooms	Long	Walker
Boots	Head	Merritt	Waltz
Bray	Hershman	Miller	Wyss
Buck	Holdman	Mishler	Yoder
Charbonneau	Hume	Mrvan	Young, M
Delph	Kruse	Schneider	Young, R
Eckerty	Landske	Smith	Zakas

**NAYS - 14**

Alting	Lanane	Rogers	Taylor
Breaux	Nugent	Simpson	Waterman
Broden	Paul	Skinner	
Kenley	Randolph	Tallian	

## INDIANA STATE SENATE

Roll Call Number: 277

Date: 02/29/2012  
Time: 1:07:16 PM**HB 1134**Miller  
3rd Reading  
School transportation.

Presiding: President

**YEAS - 48      NAYS - 2****PASSED****YEAS - 48**

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Lanane	Rogers	Young, M
Delph	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas

**NAYS - 2**

Skinner	Taylor
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## INDIANA STATE SENATE

Roll Call Number: 278

Date: 02/29/2012  
Time: 1:31:32 PM**HB 1136**Holdman  
3rd Reading  
Child care ministry advisory committee.

Presiding: President

**YEAS - 40      NAYS - 10****PASSED****YEAS - 40**

Alting	Grooms	Leising	Smith
Arnold	Head	Long	Steele
Becker	Hershman	Merritt	Tallian
Boots	Holdman	Miller	Tomes
Bray	Hume	Mishler	Walker
Buck	Kenley	Mrvan	Waltz
Charbonneau	Kruse	Nugent	Wyss
Eckerty	Lanane	Paul	Yoder
Gard	Landske	Schneider	Young, R
Glick	Lawson	Simpson	Zakas

**NAYS - 10**

Banks	Delph	Skinner	Young, M
Breaux	Randolph	Taylor	
Broden	Rogers	Waterman	

## INDIANA STATE SENATE

Roll Call Number: 280

Date: 02/29/2012  
Time: 2:21:34 PM**HB 1169**Kruse  
3rd Reading  
School discipline.

Presiding: President

**YEAS - 49      NAYS - 0      NOT VOTING - 1****PASSED****YEAS - 49**

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Rogers	Yoder
Broden	Kruse	Schneider	Young, M
Buck	Lanane	Simpson	Young, R
Charbonneau	Landske	Skinner	Zakas
Delph	Lawson	Smith	
Eckerty	Leising	Steele	
Gard	Long	Tallian	

**NAYS - 0****NOT VOTING - 1**

Randolph

## INDIANA STATE SENATE

Roll Call Number: 286

Date: 02/29/2012  
Time: 3:00:00 PM**HB 1205**Kruse  
3rd Reading  
School employee contracts.

Presiding: President

**YEAS - 35      NAYS - 15****PASSED****YEAS - 35**

Banks	Head	Mishler	Taylor
Becker	Hershman	Mrvan	Tomes
Bray	Holdman	Nugent	Waltz
Breaux	Kruse	Paul	Wyss
Buck	Lanane	Randolph	Yoder
Delph	Leising	Rogers	Young, M
Eckerty	Long	Schneider	Young, R
Gard	Merritt	Smith	Zakas
Grooms	Miller	Steele	

**NAYS - 15**

Alting	Charbonneau	Landske	Tallian
Arnold	Glick	Lawson	Walker
Boots	Hume	Simpson	Waterman
Broden	Kenley	Skinner	

## INDIANA STATE SENATE

Roll Call Number: 288

Date: 02/29/2012  
Time: 3:17:12 PM**HB 1247**Wyss  
3rd Reading  
Operator's license renewal schedule and fees.

Presiding: President

**YEAS - 47      NAYS - 3****PASSED****YEAS - 47**

Alting	Gard	Long	Smith
Arnold	Glick	Merritt	Steele
Banks	Grooms	Miller	Tallian
Becker	Head	Mishler	Tomes
Boots	Hershman	Mrvan	Walker
Bray	Holdman	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Zakas
Eckerty	Leising	Skinner	

**NAYS - 3**

Hume	Taylor	Young, R
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## INDIANA STATE SENATE

Roll Call Number: 292

Date: 02/29/2012  
Time: 4:13:21 PM**HB 1270**Kruse  
3rd Reading  
Higher education.

Presiding: President

**YEAS - 38      NAYS - 11      NOT VOTING - 1****PASSED****YEAS - 38**

Alting	Glick	Long	Tomes
Banks	Grooms	Merritt	Walker
Becker	Head	Miller	Waltz
Boots	Hershman	Mishler	Waterman
Bray	Holdman	Nugent	Wyss
Buck	Kenley	Paul	Yoder
Charbonneau	Kruse	Rogers	Young, M
Delph	Landske	Schneider	Zakas
Eckerty	Lawson	Smith	
Gard	Leising	Steele	

**NAYS - 11**

Arnold	Hume	Simpson	Taylor
Breaux	Lanane	Skinner	Young, R
Broden	Mrvan	Tallian	

**NOT VOTING - 1**

Randolph

## INDIANA STATE SENATE

Roll Call Number: 294

Date: 02/29/2012  
Time: 4:22:24 PM**HB 1294**Smith  
3rd Reading  
Various securities division matters.

Presiding: President

**YEAS - 47      NAYS - 3****PASSED****YEAS - 47**

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Tomes
Becker	Hershman	Mishler	Walker
Boots	Holdman	Mrvan	Waltz
Bray	Hume	Nugent	Waterman
Breaux	Kenley	Paul	Wyss
Broden	Kruse	Randolph	Yoder
Buck	Lanane	Rogers	Young, M
Charbonneau	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas
Gard	Leising	Smith	

**NAYS - 3**

Delph	Skinner	Taylor
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## INDIANA STATE SENATE

Roll Call Number: 299

Date: 03/01/2012  
Time: 10:39:00 AM**SB 98**Kenley  
Concurrences Eligible for Action  
County highway maintenance funding.

Presiding: Long

**YEAS - 46      NAYS - 1      NOT VOTING - 2      EXCUSED - 1****PREVAILED****YEAS - 46**

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Paul	Waltz
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Gard	Long	Steele	

**NAYS - 1**

Hume

**NOT VOTING - 2**

Eckerty      Waterman

**EXCUSED - 1**

Nugent

## INDIANA STATE SENATE

Roll Call Number: 300

Date: 03/01/2012  
Time: 10:40:46 AM**SB 127**Tallian  
Concurrences Eligible for Action  
Indiana public retirement system.

Presiding: Long

**YEAS - 47      NAYS - 0      EXCUSED - 3****PREVAILED****YEAS - 47**

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Paul	Waltz
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Gard	Leising	Smith	

**NAYS - 0****EXCUSED - 3**

Eckerty      Nugent      Waterman

## INDIANA STATE SENATE

Roll Call Number: 301

Date: 03/01/2012  
Time: 10:42:59 AM**SB 131**Gard  
Concurrences Eligible for Action  
Environmental matters.

Presiding: Long

**YEAS - 46    NAYS - 1    EXCUSED - 3**  
**PREVAILED****YEAS - 46**

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Mrvan	Walker
Boots	Hume	Paul	Waltz
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Gard	Long	Steele	

**NAYS - 1**

Head

**EXCUSED - 3**

Eckerty	Nugent	Waterman
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## INDIANA STATE SENATE

Roll Call Number: 302

Date: 03/01/2012  
Time: 10:45:39 AM**SB 132**Gard  
Concurrences Eligible for Action  
Water utility resource data.

Presiding: Long

**YEAS - 44    NAYS - 3    EXCUSED - 3**  
**PREVAILED****YEAS - 44**

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Paul	Wyss
Broden	Kenley	Randolph	Yoder
Buck	Kruse	Rogers	Young, M
Charbonneau	Lanane	Schneider	Young, R
Delph	Landske	Simpson	Zakas

**NAYS - 3**

Lawson	Skinner	Taylor
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**EXCUSED - 3**

Eckerty	Nugent	Waterman
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## INDIANA STATE SENATE

Roll Call Number: 303

Date: 03/01/2012  
Time: 10:47:22 AM**SB 193**Arnold  
Concurrences Eligible for Action  
Local elected officials.

Presiding: Long

**YEAS - 47    NAYS - 0    EXCUSED - 3**  
**PREVAILED****YEAS - 47**

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Paul	Waltz
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Gard	Leising	Smith	

**NAYS - 0****EXCUSED - 3**

Eckerty	Nugent	Waterman
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## INDIANA STATE SENATE

Roll Call Number: 304

Date: 03/01/2012  
Time: 10:50:07 AM**SB 273**Lanane  
Concurrences Eligible for Action  
Regulation of outdoor stage equipment.

Presiding: Long

**YEAS - 41    NAYS - 5    NOT VOTING - 1    EXCUSED - 3**  
**PREVAILED****YEAS - 41**

Alting	Grooms	Long	Tallian
Arnold	Head	Merritt	Taylor
Becker	Hershman	Miller	Tomes
Bray	Holdman	Mishler	Waltz
Breaux	Hume	Mrvan	Wyss
Broden	Kenley	Paul	Young, M
Buck	Kruse	Randolph	Young, R
Charbonneau	Lanane	Schneider	Zakas
Delph	Landske	Simpson	
Gard	Lawson	Skinner	
Glick	Leising	Steele	

**NAYS - 5**

Banks	Smith	Yoder
Boots	Walker	

**NOT VOTING - 1**

Rogers

**EXCUSED - 3**

Eckerty	Nugent	Waterman
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## INDIANA STATE SENATE

Roll Call Number: 305

Date: 03/01/2012  
Time: 10:51:36 AM**SB 274**Merritt  
Concurrences Eligible for Action  
Immunity for certain alcohol offenses.

Presiding: Long

**YEAS - 47    NAYS - 0    EXCUSED - 3**  
**PREVAILED****YEAS - 47**

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Paul	Waltz
Breaux	Kenley	Randolph	Wyss
Brodén	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Gard	Leising	Smith	

**NAYS - 0****EXCUSED - 3**

Eckerty	Nugent	Waterman
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## INDIANA STATE SENATE

Roll Call Number: 306

Date: 03/01/2012  
Time: 10:53:59 AM**SB 275**Merritt  
Concurrences Eligible for Action  
Real estate brokers.

Presiding: Long

**YEAS - 45    NAYS - 2    EXCUSED - 3**  
**PREVAILED****YEAS - 45**

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Paul	Wyss
Bray	Kenley	Randolph	Yoder
Breaux	Kruse	Rogers	Young, M
Brodén	Lanane	Schneider	Young, R
Buck	Landske	Simpson	Zakas
Charbonneau	Lawson	Smith	
Delph	Leising	Steele	
Gard	Long	Tallian	

**NAYS - 2**

Hume	Skinner
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**EXCUSED - 3**

Eckerty	Nugent	Waterman
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## INDIANA STATE SENATE

Roll Call Number: 307

Date: 03/01/2012  
Time: 10:56:53 AM**SB 283**Kruse  
Concurrences Eligible for Action  
Nonpublic alternative high schools; residential facilities.

Presiding: Long

**YEAS - 43    NAYS - 4    EXCUSED - 3**  
**PREVAILED****YEAS - 43**

Alting	Gard	Long	Tallian
Arnold	Glick	Merritt	Taylor
Banks	Grooms	Miller	Tomes
Becker	Head	Mishler	Walker
Boots	Hershman	Mrvan	Waltz
Bray	Holdman	Paul	Wyss
Breaux	Kruse	Rogers	Yoder
Brodén	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Smith	Zakas
Delph	Leising	Steele	

**NAYS - 4**

Hume	Kenley	Randolph	Skinner
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**EXCUSED - 3**

Eckerty	Nugent	Waterman
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## INDIANA STATE SENATE

Roll Call Number: 310

Date: 03/06/2012  
Time: 2:19:14 PM**SB 147**Holdman  
Concurrences Eligible for Action  
Local government financial matters.

Presiding: Long

**YEAS - 46    NAYS - 0    NOT VOTING - 3    EXCUSED - 1**  
**PREVAILED****YEAS - 46**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Breaux	Kenley	Rogers	Wyss
Buck	Lanane	Schneider	Yoder
Charbonneau	Landske	Simpson	Young, M
Delph	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas
Gard	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****NOT VOTING - 3**

Bray	Brodén	Kruse
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**EXCUSED - 1**

Randolph
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## INDIANA STATE SENATE

Roll Call Number: 311

Date: 03/06/2012  
Time: 2:20:56 PM**SB 156**Steele  
Concurrences Eligible for Action  
Partition.

Presiding: Long

**YEAS - 48    NAYS - 0    NOT VOTING - 1    EXCUSED - 1****PREVAILED****YEAS - 48**

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas

**NAYS - 0****NOT VOTING - 1**

Broden

**EXCUSED - 1**

Randolph

## INDIANA STATE SENATE

Roll Call Number: 312

Date: 03/06/2012  
Time: 2:23:07 PM**SB 173**Lawson  
Concurrences Eligible for Action  
Airport boards.

Presiding: Long

**YEAS - 48    NAYS - 0    NOT VOTING - 1    EXCUSED - 1****PREVAILED****YEAS - 48**

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas

**NAYS - 0****NOT VOTING - 1**

Broden

**EXCUSED - 1**

Randolph

## INDIANA STATE SENATE

Roll Call Number: 313

Date: 03/06/2012  
Time: 2:25:02 PM**SB 233**Alting  
Concurrences Eligible for Action  
Various election law matters.

Presiding: Long

**YEAS - 39    NAYS - 9    NOT VOTING - 1    EXCUSED - 1****PREVAILED****YEAS - 39**

Alting	Grooms	Long	Tallian
Banks	Head	Merritt	Tomes
Boots	Hershman	Miller	Walker
Bray	Holdman	Mishler	Waltz
Buck	Hume	Mrvan	Wyss
Charbonneau	Kenley	Nugent	Yoder
Delph	Kruse	Paul	Young, M
Eckerty	Landske	Schneider	Young, R
Gard	Lawson	Smith	Zakas
Glick	Leising	Steele	

**NAYS - 9**

Arnold	Lanane	Skinner
Becker	Rogers	Taylor
Breaux	Simpson	Waterman

**NOT VOTING - 1**

Broden

**EXCUSED - 1**

Randolph

## INDIANA STATE SENATE

Roll Call Number: 314

Date: 03/06/2012  
Time: 2:26:47 PM**SB 267**Rogers  
Concurrences Eligible for Action  
Education concerning child abuse.

Presiding: Long

**YEAS - 48    NAYS - 0    NOT VOTING - 1    EXCUSED - 1****PREVAILED****YEAS - 48**

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas

**NAYS - 0****NOT VOTING - 1**

Broden

**EXCUSED - 1**

Randolph



## INDIANA STATE SENATE

Roll Call Number: 315

Date: 03/06/2012  
Time: 2:36:15 PM**SB 286**Lawson  
Concurrences Eligible for Action  
Department of child services.

Presiding: Long

**YEAS - 46    NAYS - 1    NOT VOTING - 2    EXCUSED - 1**  
**PREVAILED****YEAS - 46**

Alting	Grooms	Merritt	Tallian
Arnold	Head	Miller	Tomes
Banks	Hershman	Mishler	Walker
Becker	Holdman	Mrvan	Waltz
Boots	Hume	Nugent	Waterman
Breaux	Kenley	Paul	Wyss
Buck	Kruse	Rogers	Yoder
Charbonneau	Lanane	Schneider	Young, M
Delph	Landske	Simpson	Young, R
Eckerty	Lawson	Skinner	Zakas
Gard	Leising	Smith	
Glick	Long	Steele	

**NAYS - 1**

Taylor

**NOT VOTING - 2**

Bray                      Broden

**EXCUSED - 1**

Randolph

## INDIANA STATE SENATE

Roll Call Number: 316

Date: 03/06/2012  
Time: 2:37:44 PM**SB 287**Lawson  
Concurrences Eligible for Action  
Department of child services.

Presiding: Long

**YEAS - 47    NAYS - 0    NOT VOTING - 2    EXCUSED - 1**  
**PREVAILED****YEAS - 47**

Alting	Grooms	Merritt	Tallian
Arnold	Head	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Mrvan	Walker
Boots	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas
Glick	Long	Steele	

**NAYS - 0****NOT VOTING - 2**

Bray                      Broden

**EXCUSED - 1**

Randolph

## INDIANA STATE SENATE

Roll Call Number: 317

Date: 03/06/2012  
Time: 2:40:21 PM**SB 402**Simpson  
Concurrences Eligible for Action  
Indiana uniform law commission.

Presiding: Long

**YEAS - 47    NAYS - 0    NOT VOTING - 2    EXCUSED - 1**  
**PREVAILED****YEAS - 47**

Alting	Grooms	Merritt	Tallian
Arnold	Head	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Mrvan	Walker
Boots	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Buck	Kruse	Rogers	Wyss
Charbonneau	Lanane	Schneider	Yoder
Delph	Landske	Simpson	Young, M
Eckerty	Lawson	Skinner	Young, R
Gard	Leising	Smith	Zakas
Glick	Long	Steele	

**NAYS - 0****NOT VOTING - 2**

Bray                      Broden

**EXCUSED - 1**

Randolph

## INDIANA STATE SENATE

Roll Call Number: 320

Date: 03/08/2012  
Time: 2:44:52 PM**SB 15**Miller  
Conference Committees Eligible for Action  
Brain injury services and Medicaid.

Presiding: Long

**YEAS - 47    NAYS - 0    NOT VOTING - 3**  
**ADOPTED****YEAS - 47**

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Tallian
Banks	Grooms	Miller	Tomes
Becker	Head	Mishler	Walker
Boots	Hershman	Mrvan	Waltz
Bray	Holdman	Nugent	Waterman
Breaux	Hume	Paul	Wyss
Broden	Kenley	Randolph	Yoder
Buck	Kruse	Rogers	Young, M
Charbonneau	Lanane	Schneider	Young, R
Delph	Landske	Simpson	Zakas
Eckerty	Lawson	Skinner	

**NAYS - 0****NOT VOTING - 3**

Merritt                      Steele                      Taylor

## INDIANA STATE SENATE

Roll Call Number: 321

Date: 03/08/2012  
Time: 2:47:46 PM**SB 52**Becker  
Conference Committees Eligible for Action  
HIV testing.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****ADOPTED****YEAS - 49**

Alting	Glick	Merritt	Taylor
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Broden	Kruse	Rogers	Young, M
Buck	Lanane	Schneider	Young, R
Charbonneau	Landske	Simpson	Zakas
Delph	Lawson	Skinner	
Eckerty	Leising	Smith	
Gard	Long	Tallian	

**NAYS - 0****NOT VOTING - 1**

Steele

## INDIANA STATE SENATE

Roll Call Number: 322

Date: 03/08/2012  
Time: 2:49:40 PM**SB 107**Zakas  
Conference Committees Eligible for Action  
Deadline for adoption of salary ordinances.

Presiding: Long

**YEAS - 48      NAYS - 0      NOT VOTING - 2****ADOPTED****YEAS - 48**

Alting	Gard	Leising	Skinner
Arnold	Glick	Long	Smith
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Lanane	Rogers	Young, M
Delph	Landske	Schneider	Young, R
Eckerty	Lawson	Simpson	Zakas

**NAYS - 0****NOT VOTING - 2**

Steele      Taylor

## INDIANA STATE SENATE

Roll Call Number: 323

Date: 03/08/2012  
Time: 2:58:27 PM**SB 113**Holdman  
Conference Committees Eligible for Action  
Golf carts in unincorporated areas.

Presiding: Long

**YEAS - 37      NAYS - 9      NOT VOTING - 4****ADOPTED****YEAS - 37**

Alting	Grooms	Mrvan	Walker
Arnold	Head	Nugent	Waltz
Banks	Holdman	Randolph	Waterman
Becker	Kruse	Rogers	Yoder
Breaux	Landske	Schneider	Young, M
Broden	Lawson	Skinner	Young, R
Buck	Leising	Smith	Zakas
Charbonneau	Long	Steele	
Eckerty	Merritt	Tallian	
Glick	Mishler	Tomes	

**NAYS - 9**

Bray	Hume	Miller
Delph	Kenley	Paul
Hershman	Lanane	Wyss

**NOT VOTING - 4**

Boots      Gard      Simpson      Taylor

## INDIANA STATE SENATE

Roll Call Number: 324

Date: 03/08/2012  
Time: 3:01:17 PM**SB 176**M. Young  
Conference Committees Eligible for Action  
Courts and court officers.

Presiding: Long

**YEAS - 48      NAYS - 1      NOT VOTING - 1****ADOPTED****YEAS - 48**

Alting	Grooms	Merritt	Steele
Arnold	Head	Miller	Tallian
Banks	Hershman	Mishler	Taylor
Becker	Holdman	Mrvan	Tomes
Boots	Hume	Nugent	Walker
Bray	Kenley	Paul	Waltz
Broden	Kruse	Randolph	Waterman
Buck	Lanane	Rogers	Wyss
Charbonneau	Landske	Schneider	Yoder
Delph	Lawson	Simpson	Young, M
Eckerty	Leising	Skinner	Young, R
Glick	Long	Smith	Zakas

**NAYS - 1**

Breaux

**NOT VOTING - 1**

Gard

## INDIANA STATE SENATE

Roll Call Number: 325

Date: 03/08/2012  
Time: 3:02:33 PM**SB 224**Miller  
Conference Committees Eligible for Action  
Emergency ambulance services report.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****ADOPTED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****NOT VOTING - 1**

Gard

## INDIANA STATE SENATE

Roll Call Number: 326

Date: 03/08/2012  
Time: 3:04:23 PM**HB 1040**Miller  
Conference Committees Eligible for Action  
Immunity for fast responders.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****ADOPTED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****NOT VOTING - 1**

Gard

## INDIANA STATE SENATE

Roll Call Number: 327

Date: 03/08/2012  
Time: 3:06:29 PM**HB 1141**Kenley  
Conference Committees Eligible for Action  
Home energy assistance.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****ADOPTED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****NOT VOTING - 1**

Gard

## INDIANA STATE SENATE

Roll Call Number: 328

Date: 03/08/2012  
Time: 4:36:51 PM**SB 26**Bray  
Conference Committees Eligible for Action  
Title 35 definitions.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****ADOPTED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****NOT VOTING - 1**

Broden

## INDIANA STATE SENATE

Roll Call Number: 329

Date: 03/08/2012  
Time: 4:42:27 PM**SB 32**Bray  
Conference Committees Eligible for Action  
Guardianships.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****ADOPTED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****NOT VOTING - 1**

Brodan

## INDIANA STATE SENATE

Roll Call Number: 334

Date: 03/09/2012  
Time: 12:15:12 PM**SB 18**Steele  
Concurrences Eligible for Action  
Duty to support a child.

Presiding: President

**YEAS - 46      NAYS - 2      NOT VOTING - 2****PREVAILED****YEAS - 46**

Alting	Grooms	Miller	Taylor
Banks	Head	Mishler	Tomes
Boots	Hershman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Brodan	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Skinner	Young, R
Eckerty	Leising	Smith	Zakas
Gard	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 2**

Becker      Simpson

**NOT VOTING - 2**

Arnold      Holdman

## INDIANA STATE SENATE

Roll Call Number: 335

Date: 03/09/2012  
Time: 12:17:15 PM**SB 311**Hershman  
Concurrences Eligible for Action  
Cost benefit analysis for administrative rules.

Presiding: President

**YEAS - 43      NAYS - 5      NOT VOTING - 2****PREVAILED****YEAS - 43**

Alting	Glick	Merritt	Tallian
Banks	Grooms	Miller	Tomes
Becker	Head	Mishler	Walker
Boots	Hershman	Mrvan	Waltz
Bray	Hume	Nugent	Waterman
Breaux	Kenley	Paul	Wyss
Buck	Kruse	Randolph	Yoder
Charbonneau	Landske	Rogers	Young, M
Delph	Lawson	Schneider	Young, R
Eckerty	Leising	Smith	Zakas
Gard	Long	Steele	

**NAYS - 5**

Brodan	Simpson	Taylor
Lanane	Skinner	

**NOT VOTING - 2**

Arnold      Holdman

## INDIANA STATE SENATE

Roll Call Number: 336

Date: 03/09/2012  
Time: 12:44:24 PM**SB 19**Boots  
Conference Committees Eligible for Action  
Property taxes.

Presiding: President

**YEAS - 36      NAYS - 14****ADOPTED****YEAS - 36**

Arnold	Grooms	Long	Smith
Boots	Head	Merritt	Steele
Bray	Hershman	Miller	Tallian
Breaux	Holdman	Mishler	Taylor
Brodan	Hume	Mrvan	Waltz
Charbonneau	Kenley	Paul	Wyss
Delph	Lanane	Rogers	Yoder
Eckerty	Landske	Simpson	Young, M
Gard	Lawson	Skinner	Zakas

**NAYS - 14**

Alting	Glick	Randolph	Waterman
Banks	Kruse	Schneider	Young, R
Becker	Leising	Tomes	
Buck	Nugent	Walker	

## INDIANA STATE SENATE

Roll Call Number: 337

Date: 03/09/2012  
Time: 12:48:03 PM**SB 22**Nugent  
Conference Committees Eligible for Action  
Conservancy district director compensation.

Presiding: President

**YEAS - 47      NAYS - 3****ADOPTED****YEAS - 47**

Alting	Gard	Merritt	Tallian
Arnold	Glick	Miller	Taylor
Banks	Grooms	Mishler	Tomes
Becker	Head	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Rogers	Wyss
Broden	Kruse	Schneider	Yoder
Buck	Lanane	Simpson	Young, M
Charbonneau	Landske	Skinner	Young, R
Delph	Leising	Smith	Zakas
Eckerty	Long	Steele	

**NAYS - 3**

Hershman	Lawson	Randolph
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## INDIANA STATE SENATE

Roll Call Number: 338

Date: 03/09/2012  
Time: 12:50:20 PM**SB 97**M. Young  
Conference Committees Eligible for Action  
Public intoxication.

Presiding: President

**YEAS - 44      NAYS - 6****ADOPTED****YEAS - 44**

Alting	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Mrvan	Walker
Breaux	Hume	Nugent	Waltz
Broden	Kruse	Paul	Waterman
Buck	Lanane	Randolph	Wyss
Charbonneau	Landske	Rogers	Young, M
Eckerty	Lawson	Simpson	Young, R
Gard	Leising	Skinner	Zakas

**NAYS - 6**

Arnold	Kenley	Smith
Delph	Schneider	Yoder

## INDIANA STATE SENATE

Roll Call Number: 343

Date: 03/09/2012  
Time: 1:01:18 PM**HB 1080**Eckerty  
Conference Committees Eligible for Action  
Sex offenders.

Presiding: President

**YEAS - 48      NAYS - 2****ADOPTED****YEAS - 48**

Alting	Gard	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Tomes
Boots	Hershman	Mishler	Walker
Bray	Holdman	Mrvan	Waltz
Breaux	Hume	Nugent	Waterman
Broden	Kenley	Paul	Wyss
Buck	Kruse	Rogers	Yoder
Charbonneau	Lanane	Schneider	Young, M
Delph	Landske	Simpson	Young, R
Eckerty	Lawson	Skinner	Zakas

**NAYS - 2**

Randolph	Taylor
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## INDIANA STATE SENATE

Roll Call Number: 345

Date: 03/09/2012  
Time: 2:37:55 PM**HB 1149**Gard  
Conference Committees Eligible for Action  
Smoking ban.

Presiding: President

**YEAS - 28      NAYS - 22****ADOPTED****YEAS - 28**

Alting	Eckerty	Landske	Rogers
Arnold	Gard	Lawson	Simpson
Becker	Grooms	Long	Skinner
Bray	Head	Merritt	Tallian
Breaux	Hershman	Miller	Taylor
Broden	Holdman	Mrvan	Wyss
Charbonneau	Lanane	Randolph	Young, R

**NAYS - 22**

Banks	Kenley	Schneider	Waterman
Boots	Kruse	Smith	Yoder
Buck	Leising	Steele	Young, M
Delph	Mishler	Tomes	Zakas
Glick	Nugent	Walker	
Hume	Paul	Waltz	

## INDIANA STATE SENATE

Roll Call Number: 346

Date: 03/09/2012  
Time: 2:44:39 PM**SEA 215**  
Bray  
Governor's Veto  
Forfeiture.

Presiding: President

**YEAS - 14      NAYS - 36****SUSTAINED****YEAS - 14**

Arnold	Lanane	Skinner	Waterman
Bray	Mrvan	Steele	Young, R
Broden	Randolph	Tallian	
Delph	Simpson	Taylor	

**NAYS - 36**

Alting	Glick	Lawson	Schneider
Banks	Grooms	Leising	Smith
Becker	Head	Long	Tomes
Boots	Hershman	Merritt	Walker
Breaux	Holdman	Miller	Waltz
Buck	Hume	Mishler	Wyss
Charbonneau	Kenley	Nugent	Yoder
Eckerty	Kruse	Paul	Young, M
Gard	Landske	Rogers	Zakas

## INDIANA STATE SENATE

Roll Call Number: 347

Date: 03/09/2012  
Time: 7:40:59 PM**SB 223**  
Miller  
Conference Committees Eligible for Action  
State department of health matters.

Presiding: Long

**YEAS - 44      NAYS - 0      NOT VOTING - 6****ADOPTED****YEAS - 44**

Alting	Eckerty	Leising	Smith
Arnold	Glick	Long	Steele
Banks	Grooms	Merritt	Tallian
Becker	Head	Miller	Taylor
Boots	Hershman	Mishler	Tomes
Bray	Holdman	Nugent	Walker
Breaux	Kenley	Paul	Waltz
Broden	Kruse	Randolph	Waterman
Buck	Lanane	Rogers	Wyss
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Zakas

**NAYS - 0****NOT VOTING - 6**

Gard	Mrvan	Yoder
Hume	Skinner	Young, R

## INDIANA STATE SENATE

Roll Call Number: 348

Date: 03/09/2012  
Time: 7:43:16 PM**SB 407**  
Grooms  
Conference Committees Eligible for Action  
Pharmacy matters.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****ADOPTED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****NOT VOTING - 1**

Gard

## INDIANA STATE SENATE

Roll Call Number: 349

Date: 03/09/2012  
Time: 7:48:55 PM**HB 1192**  
Miller  
Conference Committees Eligible for Action  
Local government.

Presiding: Long

**YEAS - 48      NAYS - 1      NOT VOTING - 1****ADOPTED****YEAS - 48**

Alting	Glick	Long	Steele
Arnold	Grooms	Merritt	Tallian
Banks	Head	Miller	Taylor
Becker	Hershman	Mishler	Tomes
Boots	Holdman	Mrvan	Walker
Bray	Hume	Nugent	Waltz
Breaux	Kenley	Paul	Waterman
Broden	Kruse	Randolph	Wyss
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Young, R
Eckerty	Leising	Smith	Zakas

**NAYS - 1**

Skinner

**NOT VOTING - 1**

Gard



## INDIANA STATE SENATE

Roll Call Number: 350

Date: 03/09/2012  
Time: 7:50:35 PM**HB 1237**Eckerty  
Conference Committees Eligible for Action  
Home improvement contracts.

Presiding: Long

**YEAS - 41      NAYS - 8      NOT VOTING - 1****ADOPTED****YEAS - 41**

Alting	Grooms	Long	Tallian
Arnold	Head	Merritt	Tomes
Becker	Hershman	Miller	Walker
Boots	Holdman	Mishler	Waltz
Bray	Hume	Mrvan	Wyss
Breaux	Kenley	Nugent	Young, M
Broden	Kruse	Paul	Young, R
Buck	Lanane	Randolph	Zakas
Charbonneau	Landske	Rogers	
Eckerty	Lawson	Simpson	
Glick	Leising	Steele	

**NAYS - 8**

Banks	Schneider	Smith	Waterman
Delph	Skinner	Taylor	Yoder

**NOT VOTING - 1**

Gard

## INDIANA STATE SENATE

Roll Call Number: 351

Date: 03/09/2012  
Time: 7:52:21 PM**HB 1279**Mishler  
Conference Committees Eligible for Action  
Various natural resources matters.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****ADOPTED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Becker	Holdman	Nugent	Waltz
Boots	Hume	Paul	Waterman
Bray	Kenley	Randolph	Wyss
Breaux	Kruse	Rogers	Yoder
Broden	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****NOT VOTING - 1**

Gard

## INDIANA STATE SENATE

Roll Call Number: 352

Date: 03/09/2012  
Time: 7:56:35 PM**SB 296**Leising  
Concurrences Eligible for Action  
Certified scholarship program eligibility.

Presiding: Long

**YEAS - 31      NAYS - 17      NOT VOTING - 2****PREVAILED****YEAS - 31**

Banks	Hershman	Merritt	Steele
Bray	Holdman	Miller	Walker
Buck	Kenley	Mishler	Waltz
Charbonneau	Kruse	Mrvan	Waterman
Delph	Landske	Nugent	Yoder
Eckerty	Lawson	Paul	Young, M
Glick	Leising	Schneider	Zakas
Grooms	Long	Smith	

**NAYS - 17**

Alting	Broden	Rogers	Tomes
Arnold	Head	Simpson	Young, R
Becker	Hume	Skinner	
Boots	Lanane	Tallian	
Breaux	Randolph	Taylor	

**NOT VOTING - 2**

Gard      Wyss

## INDIANA STATE SENATE

Roll Call Number: 353

Date: 03/09/2012  
Time: 7:58:46 PM**SB 293**Smith  
Conference Committees Eligible for Action  
Inheritance tax.

Presiding: Long

**YEAS - 48      NAYS - 0      NOT VOTING - 2****ADOPTED****YEAS - 48**

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Bray	Hume	Nugent	Walker
Breaux	Kenley	Paul	Waltz
Broden	Kruse	Randolph	Waterman
Buck	Lanane	Rogers	Yoder
Charbonneau	Landske	Schneider	Young, M
Delph	Lawson	Simpson	Young, R
Eckerty	Leising	Skinner	Zakas

**NAYS - 0****NOT VOTING - 2**

Gard      Wyss

## INDIANA STATE SENATE

Roll Call Number: 354

Date: 03/09/2012  
Time: 8:01:26 PM**HB 1033**Steele  
Conference Committees Eligible for Action  
Criminal history and sentencing.

Presiding: Long

**YEAS - 45      NAYS - 3      NOT VOTING - 2****ADOPTED****YEAS - 45**

Alting	Grooms	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Nugent	Walker
Boots	Hume	Paul	Waltz
Bray	Kenley	Randolph	Waterman
Breaux	Kruse	Rogers	Yoder
Brodén	Lanane	Schneider	Young, M
Buck	Landske	Simpson	Young, R
Charbonneau	Lawson	Skinner	Zakas
Delph	Leising	Smith	
Eckerty	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 3**

Arnold	Head	Mrvan
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**NOT VOTING - 2**

Gard	Wyss
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## INDIANA STATE SENATE

Roll Call Number: 355

Date: 03/09/2012  
Time: 8:04:39 PM**HB 1049**Bray  
Conference Committees Eligible for Action  
Courts, inspector general, and pro bono legal  
services fees.

Presiding: Long

**YEAS - 46      NAYS - 3      NOT VOTING - 1****ADOPTED****YEAS - 46**

Alting	Grooms	Merritt	Steele
Arnold	Head	Miller	Tallian
Banks	Hershman	Mishler	Taylor
Becker	Holdman	Mrvan	Tomes
Boots	Hume	Nugent	Walker
Bray	Kenley	Paul	Waltz
Breaux	Kruse	Randolph	Waterman
Brodén	Lanane	Rogers	Wyss
Buck	Landske	Schneider	Young, R
Charbonneau	Lawson	Simpson	Zakas
Delph	Leising	Skinner	
Eckerty	Long	Smith	
Glick			

**NAYS - 3**

Delph	Yoder	Young, M
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**NOT VOTING - 1**

Gard
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## INDIANA STATE SENATE

Roll Call Number: 356

Date: 03/09/2012  
Time: 8:07:12 PM**HB 1200**Bray  
Conference Committees Eligible for Action  
Various correction matters.

Presiding: Long

**YEAS - 41      NAYS - 8      NOT VOTING - 1****ADOPTED****YEAS - 41**

Alting	Grooms	Long	Steele
Arnold	Head	Merritt	Tomes
Becker	Hershman	Miller	Waltz
Boots	Holdman	Mishler	Waterman
Bray	Hume	Nugent	Wyss
Breaux	Kenley	Paul	Young, M
Brodén	Kruse	Randolph	Young, R
Buck	Lanane	Rogers	Zakas
Charbonneau	Landske	Schneider	
Eckerty	Lawson	Simpson	
Glick	Leising	Smith	

**NAYS - 8**

Banks	Mrvan	Tallian	Walker
Delph	Skinner	Taylor	Yoder

**NOT VOTING - 1**

Gard
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## INDIANA STATE SENATE

Roll Call Number: 357

Date: 03/09/2012  
Time: 8:11:26 PM**HB 1258**Zakas  
Conference Committees Eligible for Action  
Various estate administration matters.

Presiding: Long

**YEAS - 38      NAYS - 11      NOT VOTING - 1****ADOPTED****YEAS - 38**

Alting	Grooms	Merritt	Tomes
Banks	Head	Miller	Walker
Becker	Hershman	Mishler	Waltz
Boots	Holdman	Mrvan	Waterman
Bray	Kenley	Nugent	Wyss
Buck	Kruse	Paul	Yoder
Charbonneau	Landske	Randolph	Young, M
Delph	Lawson	Schneider	Zakas
Eckerty	Leising	Smith	
Glick	Long	Steele	

**NAYS - 11**

Arnold	Hume	Simpson	Taylor
Breaux	Lanane	Skinner	Young, R
Brodén	Rogers	Tallian	

**NOT VOTING - 1**

Gard
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## INDIANA STATE SENATE

Roll Call Number: 358

Date: 03/09/2012  
Time: 8:13:03 PM**HB 1360**Miller  
Conference Committees Eligible for Action  
Health matters.

Presiding: Long

**YEAS - 46      NAYS - 3      NOT VOTING - 1****ADOPTED****YEAS - 46**

Alting	Grooms	Merritt	Tallian
Arnold	Head	Miller	Taylor
Banks	Hershman	Mishler	Tomes
Becker	Holdman	Mrvan	Walker
Boots	Hume	Nugent	Waltz
Bray	Kenley	Paul	Waterman
Breaux	Kruse	Randolph	Wyss
Broden	Lanane	Rogers	Young, M
Buck	Landske	Schneider	Young, R
Charbonneau	Lawson	Simpson	Zakas
Eckerty	Leising	Smith	
Glick	Long	Steele	

**NAYS - 3**

Delph	Skinner	Yoder
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**NOT VOTING - 1**

Gard

## INDIANA STATE SENATE

Roll Call Number: 359

Date: 03/09/2012  
Time: 10:44:31 PM**SB 1**M. Young  
Conference Committees Eligible for Action  
Self-defense.

Presiding: Long

**YEAS - 38      NAYS - 12****ADOPTED****YEAS - 38**

Alting	Glick	Long	Tomes
Banks	Grooms	Merritt	Walker
Becker	Head	Miller	Waltz
Boots	Hershman	Mishler	Waterman
Bray	Holdman	Mrvan	Yoder
Buck	Kenley	Nugent	Young, M
Charbonneau	Kruse	Paul	Young, R
Delph	Landske	Schneider	Zakas
Eckerty	Lawson	Smith	
Gard	Leising	Steele	

**NAYS - 12**

Arnold	Hume	Rogers	Tallian
Breaux	Lanane	Simpson	Taylor
Broden	Randolph	Skinner	Wyss

## INDIANA STATE SENATE

Roll Call Number: 360

Date: 03/09/2012  
Time: 10:48:03 PM**HB 1126**Merritt  
Conference Committees Eligible for Action  
Water and wastewater issues.

Presiding: Long

**YEAS - 45      NAYS - 4      NOT VOTING - 1****ADOPTED****YEAS - 45**

Alting	Glick	Merritt	Tallian
Arnold	Grooms	Miller	Tomes
Banks	Head	Mishler	Walker
Becker	Hershman	Mrvan	Waltz
Boots	Holdman	Nugent	Waterman
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Buck	Kruse	Rogers	Young, R
Charbonneau	Landske	Schneider	Zakas
Delph	Lawson	Simpson	
Eckerty	Leising	Smith	
Gard	Long	Steele	

**NAYS - 4**

Broden	Lanane	Skinner	Taylor
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**NOT VOTING - 1**

Young, M

## INDIANA STATE SENATE

Roll Call Number: 361

Date: 03/10/2012  
Time: 12:10:21 AM**SB 257**Arnold  
Conference Committees Eligible for Action  
Motor vehicle law.

Presiding: Long

**YEAS - 39      NAYS - 11****ADOPTED****YEAS - 39**

Alting	Glick	Leising	Steele
Arnold	Grooms	Long	Tomes
Becker	Head	Merritt	Walker
Boots	Hershman	Miller	Waterman
Bray	Holdman	Mishler	Wyss
Broden	Hume	Mrvan	Yoder
Buck	Kenley	Nugent	Young, M
Charbonneau	Kruse	Paul	Young, R
Eckerty	Landske	Rogers	Zakas
Gard	Lawson	Smith	

**NAYS - 11**

Banks	Lanane	Simpson	Taylor
Breaux	Randolph	Skinner	Waltz
Delph	Schneider	Tallian	

## INDIANA STATE SENATE

Roll Call Number: 362

Date: 03/10/2012  
Time: 12:14:19 AM**SB 262**Bray  
Conference Committees Eligible for Action  
IC 4 and IC 5 code revision.

Presiding: Long

**YEAS - 49      NAYS - 0      NOT VOTING - 1****ADOPTED****YEAS - 49**

Alting	Grooms	Miller	Taylor
Arnold	Head	Mishler	Tomes
Banks	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Waterman
Breaux	Kenley	Randolph	Wyss
Broden	Kruse	Rogers	Yoder
Buck	Lanane	Schneider	Young, M
Charbonneau	Landske	Simpson	Young, R
Delph	Lawson	Skinner	Zakas
Eckerty	Leising	Smith	
Gard	Long	Steele	
Glick	Merritt	Tallian	

**NAYS - 0****NOT VOTING - 1**

Becker

## INDIANA STATE SENATE

Roll Call Number: 363

Date: 03/10/2012  
Time: 12:17:28 AM**SB 345**Hershman  
Conference Committees Eligible for Action  
Statewide 911 system.

Presiding: Long

**YEAS - 44      NAYS - 6****ADOPTED****YEAS - 44**

Alting	Glick	Leising	Steele
Arnold	Grooms	Long	Tallian
Becker	Head	Merritt	Tomes
Boots	Hershman	Miller	Walker
Bray	Holdman	Mishler	Waltz
Breaux	Hume	Mrvan	Waterman
Broden	Kenley	Nugent	Wyss
Buck	Kruse	Paul	Yoder
Charbonneau	Lanane	Simpson	Young, M
Eckerty	Landske	Skinner	Young, R
Gard	Lawson	Smith	Zakas

**NAYS - 6**

Banks	Randolph	Schneider
Delph	Rogers	Taylor

## INDIANA STATE SENATE

Roll Call Number: 364

Date: 03/10/2012  
Time: 12:26:06 AM**HB 1003**Holdman  
Conference Committees Eligible for Action  
Public access issues.

Presiding: Long

**YEAS - 41      NAYS - 9****ADOPTED****YEAS - 41**

Arnold	Glick	Miller	Tallian
Banks	Head	Mishler	Tomes
Becker	Hershman	Mrvan	Walker
Boots	Holdman	Nugent	Waltz
Bray	Hume	Paul	Wyss
Breaux	Kenley	Randolph	Yoder
Buck	Landske	Rogers	Young, M
Charbonneau	Lawson	Schneider	Zakas
Delph	Leising	Simpson	
Eckerty	Long	Smith	
Gard	Merritt	Steele	

**NAYS - 9**

Alting	Kruse	Taylor
Broden	Lanane	Waterman
Grooms	Skinner	Young, R

## INDIANA STATE SENATE

Roll Call Number: 366

Date: 03/10/2012  
Time: 12:36:44 AM**HB 1189**Charbonneau  
Conference Committees Eligible for Action  
School finance.

Presiding: Long

**YEAS - 35      NAYS - 15****ADOPTED****YEAS - 35**

Banks	Grooms	Long	Steele
Boots	Head	Merritt	Tallian
Bray	Hershman	Miller	Walker
Buck	Holdman	Mishler	Waltz
Charbonneau	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Yoder
Eckerty	Landske	Rogers	Young, M
Gard	Lawson	Schneider	Zakas
Glick	Leising	Smith	

**NAYS - 15**

Alting	Broden	Randolph	Tomes
Arnold	Hume	Simpson	Waterman
Becker	Lanane	Skinner	Young, R
Breaux	Mrvan	Taylor	

## INDIANA STATE SENATE

Roll Call Number: 368

Date: 03/10/2012  
Time: 1:04:47 AM**HB 1280**Hershman  
Conference Committees Eligible for Action  
Regulatory matters.

Presiding: Long

**YEAS - 38      NAYS - 12****ADOPTED****YEAS - 38**

Alting	Glick	Long	Tomes
Banks	Grooms	Merritt	Walker
Becker	Head	Miller	Waltz
Boots	Hershman	Mishler	Waterman
Bray	Holdman	Mrvan	Wyss
Buck	Kenley	Nugent	Yoder
Charbonneau	Kruse	Paul	Young, M
Delph	Landske	Schneider	Zakas
Eckerty	Lawson	Smith	
Gard	Leising	Steele	

**NAYS - 12**

Arnold	Hume	Rogers	Tallian
Breaux	Lanane	Simpson	Taylor
Broden	Randolph	Skinner	Young, R

## INDIANA STATE SENATE

Roll Call Number: 369

Date: 03/10/2012  
Time: 1:05:58 AM**HB 1376**Kenley  
Conference Committees Eligible for Action  
State and local administration.

Presiding: Long

**YEAS - 40      NAYS - 10****ADOPTED****YEAS - 40**

Alting	Gard	Landske	Rogers
Arnold	Glick	Lawson	Simpson
Becker	Grooms	Leising	Steele
Boots	Head	Long	Tallian
Bray	Hershman	Merritt	Taylor
Breaux	Holdman	Miller	Tomes
Broden	Hume	Mishler	Wyss
Buck	Kenley	Mrvan	Young, M
Charbonneau	Kruse	Paul	Young, R
Eckerty	Lanane	Randolph	Zakas

**NAYS - 10**

Banks	Schneider	Walker	Yoder
Delph	Skinner	Waltz	
Nugent	Smith	Waterman	

## INDIANA STATE SENATE

Roll Call Number: 370

Date: 03/10/2012  
Time: 1:08:07 AM**HB 1269**Miller  
Conference Committees Eligible for Action  
Health care compact.

Presiding: Long

**YEAS - 37      NAYS - 13****ADOPTED****YEAS - 37**

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Zakas
Delph	Landske	Smith	
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

**NAYS - 13**

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

## INDIANA STATE SENATE

Roll Call Number: 371

Date: 03/10/2012  
Time: 1:19:06 AM**SB 175**M. Young  
Concurrences Eligible for Action  
Absentee ballots.

Presiding: Long

**YEAS - 37      NAYS - 13****PREVAILED****YEAS - 37**

Alting	Glick	Long	Walker
Banks	Grooms	Merritt	Waltz
Becker	Head	Miller	Waterman
Boots	Hershman	Mishler	Wyss
Bray	Holdman	Nugent	Yoder
Buck	Kenley	Paul	Young, M
Charbonneau	Kruse	Schneider	Zakas
Delph	Landske	Smith	
Eckerty	Lawson	Steele	
Gard	Leising	Tomes	

**NAYS - 13**

Arnold	Lanane	Simpson	Young, R
Breaux	Mrvan	Skinner	
Broden	Randolph	Tallian	
Hume	Rogers	Taylor	

Indiana House of Representatives  
117th General Assembly  
Second Regular Session

MEETING DAY 16

01-25-12

Roll Call 57: PASSED

HB 1001 Torr  
Employee's right to work.

Yeas: 54  
Nays: 44  
Excused: 2  
N/Voting: 0

3rd Reading

VOTING YEA: 54

Baird	Espich	Lehman	Speedy
Behning	Foley	Leonard	Steuerwald
Borders	Friend	Lutz	Thompson
Brown, T	Frizzell	Mahan	Torr
Burton	Frye, R	McClain	Truitt
Cherry	Gutwein	McMillin	Turner
Clere	Heaton	McNamara	Ubelhor
Crouch	Heuer	Morris	VanNatter
Culver	Hinkle	Neese	Wesco
Davis	Kirchhofer	Noe	Wolkins
Davison	Knollman	Pond	Yarde
Dodge	Koch	Rhoads	Mr. Speaker
Eberhart	Kubacki	Richardson	
Ellspermann	Lehe	Smith, M	

VOTING NAY: 44

Austin	DeLaney	Kersey	Riecken
Bacon	Dembowski	Klinker	Saunders
Bardon	Dermody	Lawson, L	Smith, V
Bartlett	Dobis	Moseley	Soliday
Battles	Dvorak	Moses	Stemler
Bauer	Fry, C	Niezgodski	Stevenson
Brown, C	GiaQuinta	Pelath	Sullivan
Candelaria Reardon	Goodin	Pierce	Summers
Cheatham	Grubb	Porter	VanDenburgh
Crawford	Harris	Pryor	Welch
Day	Karickhoff	Reske	White

EXCUSED FROM VOTING: 2

Messmer Pflum

NOT VOTING: NONE

Indiana House of Representatives  
117th General Assembly  
Second Regular Session

MEETING DAY 37

03-09-12

Roll Call 407: SUSTAINED

HEA 1177 Foley  
Board of trustees for universities.

Yeas: 25  
Nays: 68  
Excused: 4  
N/Voting: 3

Veto Action

VOTING YEA: 25

Austin	Crawford	Moses	Smith, V
Bartlett	Dobis	Niezgodski	Stemler
Battles	Dvorak	Pelath	Summers
Borders	Harris	Pierce	White
Brown, C	Kersey	Porter	
Candelaria Reardon	Lawson, L	Pryor	
Cheatham	Moseley	Riecken	

VOTING NAY: 68

Bacon	Foley	Lehe	Saunders
Baird	Friend	Lehman	Smith, M
Behning	Frizzell	Leonard	Soliday
Brown, T	Fry, C	Lutz	Speedy
Burton	Frye, R	Mahan	Steuerwald
Cherry	GiaQuinta	McClain	Stevenson
Clere	Goodin	McMillin	Sullivan
Crouch	Grubb	McNamara	Thompson
Culver	Gutwein	Messmer	Torr
Davis	Heaton	Morris	Truitt
Davison	Heuer	Neese	Turner
Day	Karickhoff	Noe	Ubelhor
DeLaney	Kirchhofer	Pflum	VanNatter
Dembowski	Klinker	Pond	Welch
Dermody	Knollman	Reske	Wesco
Eberhart	Koch	Rhoads	Yarde
Ellspermann	Kubacki	Richardson	Mr. Speaker

EXCUSED FROM VOTING: 4

Bardon Hinkle VanDenburgh Wolkins

NOT VOTING: 3

Bauer Dodge Espich

INDIANA STATE SENATE

Roll Call Number: 501

Date: 04/29/2011

Time: 2:06:42 PM

(Last vote on SB 215 prior to governor's veto in 2011.)  
SB 215

Bray

Conference Committee Report #1 Eligible for Action  
Forfeiture.

Presiding: President

YEAS - 45 NAYS - 5

ADOPTED

YEAS - 45

Alting	Glick	Miller	Taylor
Arnold	Grooms	Mishler	Tomes
Banks	Head	Mryan	Walker
Becker	Hershman	Nugent	Waltz
Boots	Holdman	Paul	Waterman
Bray	Kruse	Randolph	Wyss
Breaux	Lanane	Rogers	Yoder
Brodin	Landske	Schneider	Young, M
Buck	Lawson	Simpson	Zakas
Charbonneau	Leising	Smith	
Eckerty	Long	Steele	
Gard	Merritt	Tallian	

NAYS - 5

Delph	Kenley	Young, R
Hume	Skinner	

Indiana House of Representatives  
117th General Assembly  
First Regular Session

MEETING DAY 61

04-29-11

Roll Call 709: PREVAILED

SB 215 Foley  
Forfeiture.

Yeas: 53  
Nays: 43  
Excused: 3  
N/Voting: 1

Conference Report #1

VOTING YEA: 53

Bacon	Frye, R	McMillin	Speedy
Behning	GiaQuinta	McNamara	Steuerwald
Burton	Heaton	Messmer	Sullivan
Cherry	Heuer	Morris	Truitt
Clere	Hinkle	Moses	Turner
Culver	Karickhoff	Neese	Tyler
Davis	Kirchhofer	Pelath	Ubelhor
Dodge	Knollman	Pflum	VanNatter
Eberhart	Kubacki	Pierce	Welch
Ellspermann	Lehe	Pond	Wesco
Espich	Lehman	Rhoads	Yarde
Foley	Lutz	Saunders	
Friend	Mahan	Smith, M	
Frizzell	McClain	Soliday	

VOTING NAY: 43

Austin	Crawford	Gutwein	Reske
Baird	Crouch	Harris	Riecken
Bardon	Davison	Kersey	Smith, V
Bartlett	Day	Klinker	Stemler
Battles	DeLaney	Koch	Stevenson
Bauer	Dembowski	Lawson, L	Summers
Borders	Dermody	Leonard	Thompson
Brown, C	Dobis	Moseley	Torr
Brown, T	Fry, C	Niezgodski	VanDenburgh
Candelaria Reardon	Goodin	Porter	Wolkins
Cheatham	Grubb	Pryor	

EXCUSED FROM VOTING: 3

Dvorak Noe Richardson

NOT VOTING: 1

Mr. Speaker

## INDIANA STATE SENATE

Roll Call Number: 370

Date: 04/18/2011

Time: 4:52:24 PM

(Last vote on HB 1177 prior to governor's veto in 2011.)  
HB 1177

Bray  
3rd Reading  
Board of trustees for universities.

Presiding: Long

YEAS - 48      NAYS - 1      EXCUSED - 1

PASSED

## YEAS - 48

Alting	Glick	Long	Smith
Arnold	Grooms	Merritt	Steele
Banks	Head	Miller	Tallian
Becker	Hershman	Mishler	Taylor
Boots	Holdman	Mrvan	Tomes
Bray	Hume	Nugent	Walker
Breaux	Kenley	Paul	Waltz
Buck	Kruse	Randolph	Waterman
Charbonneau	Lanane	Rogers	Wyss
Delph	Landske	Schneider	Yoder
Eckerty	Lawson	Simpson	Young, M
Gard	Leising	Skinner	Zakas

## NAYS - 1

Young, R

## EXCUSED - 1

Brodén

Indiana House of Representatives  
117th General Assembly  
First Regular Session

MEETING DAY 58

(Last House vote on HB 1177 prior to governor's veto in 2011.)  
Roll Call 667: PREVAILED

04-26-11

HB 1177    Foley  
Board of trustees for universities.

Yeas:        83  
Nays:        4

Concur

Excused:    12  
N/Voting:    1

VOTING YEA: 83

Austin	Dermody	Koch	Pond
Bacon	Dobis	Kubacki	Pryor
Baird	Eberhart	Lawson, L	Rhoads
Bardon	Ellspermann	Lehe	Richardson
Bartlett	Foley	Lehman	Riecken
Battles	Friend	Leonard	Saunders
Bauer	Frizzell	Lutz	Smith, M
Borders	Fry, C	Mahan	Smith, V
Brown, C	Frye, R	McClain	Soliday
Brown, T	GiaQuinta	McMillin	Speedy
Burton	Goodin	McNamara	Steuerwald
Cherry	Grubb	Messmer	Sullivan
Clere	Gutwein	Morris	Thompson
Crawford	Harris	Moseley	Torr
Crouch	Heaton	Moses	Truitt
Culver	Heuer	Neese	Tyler
Davis	Karickhoff	Niergodski	Ubelhor
Davissón	Kersey	Noe	VanNatter
Day	Kirchhofer	Pelath	Wesco
DeLaney	Klinker	Pflum	Yarde
Dembowski	Knollman	Pierce	

VOTING NAY: 4

Reske	VanDenburgh	Welch	Wolkins
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EXCUSED FROM VOTING: 12

Behning	Dodge	Hinkle	Stevenson
Candelaria	Reardon	Dvorak	Summers
Cheatham	Espich	Stemler	Turner

NOT VOTING: 1

Mr. Speaker